DOCUMENT RESUME

ED 071 171 EA 004 758

AUTHOR	Kleeman, Richard P.
TITLE	Student Rights and Responsibilities: Courts Force Schools To Change. An Education U.S.A. Special Report.
INSTITUTION	National School Public Relations Association, Washington, D.C.
PUB DATE	72
NOTE	67p.
AVAILABLE FROM	National School Public Relations Association, 1801 North Moore Street, Arlington, Virginia 22209 (Stock #411-12814, $4.00, Quantity Discounts)
EDRS PRICE	MF-$0.65 HC Not Available from EDRS.
DESCRIPTORS	Activism; Discipline Policy; Dress Codes; Due Process; Freedom of Speech; Pregnant Students; School Law; *School Policy; Search and Seizure; Secondary School Students; *Student Participation; Student Records; *Student Responsibility; *Student Rights; *Student School Relationship
IDENTIFIERS	Married Students

ABSTRACT

This report examines some of the changes taking place in the schools as a result of a growing recognition by the courts, as well as by parents and educators, that "students are persons." The author discusses recent developments affecting student rights, student responsibilities, and student participation in school governance. Discussed are students' rights to freedom of speech and due process, freedom from unreasonable searches and seizures, the right of privacy as it affects student records, and the rights of pregnant and married students. Appendixes contain (1) tables showing State action affecting student rights, (2) a copy of the Maryland ACLU bill of Rights, (3) sample local policies, and (4) sample dress codes. (JF)

Student Rights

ED 071171

U S. DEPARTMENT OF HEALTH,
EDUCATION & WELFARE
OFFICE OF EDUCATION
THIS DOCUMENT HAS BEEN REPRO
DUCED EXACTLY AS RECEIVED FROM
THE PERSON OR ORGANIZATION ORIG
INATING IT. POINTS OF VIEW OR OPIN
IONS STATED DO NOT NECESSARILY
REPRESENT OFFICIAL OFFICE OF EDU
CATION POSITION OR POLICY

CS 001 758

This Is an Education U.S.A. Special Report

Education U.S.A., the independent weekly education newsletter founded in 1958, has introduced new dimensions to educational journalism in the United States. In addition to the newsletter, which reports major developments in preschool to graduate level education, the editors of *Education U.S.A.* prepare special in-depth reports on current education issues and problems.

News and interpretive features for the newsletter, based on materials from hundreds of sources, are written by the editors of *Education U.S.A.* and by correspondents in the 50 states. The aim: to keep the busy American educator informed of the important developments in his profession. The *Washington Monitor* section of *Education U.S.A.* is a current report on activities at the U.S. Office of Education, Capitol Hill and other federal agencies that make significant decisions in education.

The special reports are prepared when the editors decide that a new development in education is important enough to be covered in detail. *Student Rights and Responsibilities: Courts Force Schools To Change* is the latest report in this series.

Education U.S.A. publications are published by the National School Public Relations Association. The weekly newsletter *Education U.S.A.* is published in cooperation with the American Association of School Administrators, the American Association of School Librarians, the Association for Supervision and Curriculum Development, the Association of School Business Officials of the United States and Canada, the Council of Chief State School Officers, the National Association of Elementary School Principals, and the National Association of Secondary School Principals. It is published weekly, September through May, and twice in the summertime. Subscriptions are $21 a year. Address orders to the National School Public Relations Association, 1201 16th St. NW, Washington, D.C. 20036.

Student Rights and Responsibilities: Courts Force Schools To Change was written by Richard P. Kleeman. This special report was developed by the staff of *Education U.S.A.:* George W. Neill, Director of Special Reports; Rose Marie Levey, Senior Editor; Walda Roseman, Research Assistant; and by Shirley Boes, Director of Publishing Services for the National School Public Relations Association. Production services on the report were handled by Charlene Burger, Laura DiLiberto, Doris Jones and Alice Mansfield.

Additional copies of *Student Rights and Responsibilities: Courts Force Schools To Change* may be ordered from the National School Public Relations Association, 1201 16th St., NW, Washington, D.C. 20036. All orders must be accompanied by payment unless submitted on an authorized purchase order. Prices: single copy, $1; 2 to 9 copies, $3.60 each; 10 or more copies, $3.20 each. Stock #411-12814.

COPYRIGHT 1972 NATIONAL SCHOOL PUBLIC RELATIONS ASSOCIATION

"PERMISSION TO REPRODUCE THIS COPYRIGHTED MATERIAL BY MICROFICHE ONLY HAS BEEN GRANTED BY

NSPRA

TO ERIC AND ORGANIZATIONS OPERATING UNDER AGREEMENTS WITH THE U.S OFFICE OF EDUCATION FURTHER REPRODUCTION OUTSIDE THE ERIC SYSTEM REQUIRES PERMISSION OF THE COPYRIGHT OWNER"

Student Rights and Responsibilities

OVERVIEW

"The Rights of a High School Student"--this is the proclamation on the title page of a leaflet issued by a Chicago area draft resisters' group. But the two inside pages are blank--devoid of words except for a taunting, "ARE YOU KIDDING?" at the lower right-hand corner.

Provocative, perhaps, this cynical put-on, but it would be hard to defend as an accurate picture of the status of the American high school student circa 1972.

No less eye-catching--but surely closer to reality--is another pamphlet on the constitutional rights of students, issued by the Washington State branch of the American Civil Liberties Union (ACLU). The cover shows a bearded, long-haired student standing, chalk in hand, by a blackboard on which is written: "You have a right...."

"It may surprise some people to learn that students in public high schools have rights," the publication declares. "It won't surprise the U.S. Supreme Court, though, or anyone else who bothers to find out about the law."

Indeed, goaded by occasional outbursts of student violence, bolstered by the U.S. Supreme Court's 1969 decision in Tinker v. Des Moines Independent School District and by other court decisions, but more often led by new-style educators and activist students, the nation's schools are increasingly recognizing that youth is no bar to a student's possessing and exercising rights.

That students correspondingly bear major responsibilities is a concept upon which they may seize with somewhat less eagerness. But it also is one increasingly put into words by schools, according to the findings of an Education U.S.A. survey. Although the survey found neither a majority of states nor of local systems as yet promulgating declarations of student rights and responsibilities, it found students consulted with greater frequency about substantive school matters, including curriculum and teacher employment. At the same time schools--some under court pressure and some merely apprehensive of it--are increasingly

Table of Contents

A Farewell to In Loco Parentis 3
Where the Action Is 10
Students and the Bill of Rights 20
A-B-C's: Altars, Babies and Classrooms 35
Student Responsibilities 37
Which Way Ahead? 41
Appendix
What the States Are Doing 45
ACLU Bill of Rights 47
Student Rights in New Jersey 51
Sample Local Policies 53
Sample Dress Codes 62

doing away with detailed regulation of student conduct and, particularly, of student dress. To be sure, this is by no means a one-way street: many a court decision still goes against the student who is nonconformist in dress or grooming--or at least supports the local school authorities' right to exercise considerable control over such matters.

This dual trend is acknowledged, for instance, in the preamble to the Baltimore County Board of Education policy statement on student rights and responsibilities: "Our schools are today undergoing a metamorphosis of both faculty and student attitudes," declares this all-suburban system. "Students desire a more integral role in the functioning of the school so that they may contribute to the improvement of our educational system.

"Our existing schools have produced students who can offer constructive criticism to the school and are eager to find additional means of having their suggestions and grievances considered.... Students have responsibilities that are inseparable from and inherent in their rights. One of the most important is the responsibility to obey a school rule or policy until such a rule is revoked. Citizens in an orderly society must accept responsibilities commensurate with their rights."

Nor should the trend toward recognition of student rights be overstated. A staff attorney for Harvard's Center for Law and Education, in a wide ranging essay that accompanies sample codes governing student rights and conduct, points out that "the student, like anyone else, does not have unfettered freedoms to do as he pleases."

The student in the schoolhouse, much like the theatergoer barred from shouting "fire!" is likely to have his freedom limited "to prevent material disruption in class or to prevent the invasion of the rights of others," explains the Harvard attorney.

It would, of course, be foolish to imply that current progress toward a wider role for students and increased recognition of their constitutional rights is being accomplished without trauma. "Sadly," comments the National School Boards Assn. (NSBA), in the preface to a kit intended as an aid in developing school board policies, "the whole question of reexamining student rights and responsibilities has been muddled by emotionalism in too many cases."

The school board or administrator given to unilateral decisions in this area, NSBA cautions, can suddenly end up "in an emotional climate of 'us' against 'them.'" In such cases, the best advice may be that of a committee of the New Jersey School Boards Assn. in its report on student activism: Remind those who confront such problems that "these are our children--whether they be exasperating, rebellious, selfish, ungrateful, confused, misguided, they are nonetheless ours--they are not the enemy to be conquered and destroyed." The New Jersey committee concluded, "We don't think they have the answers. They know we don't."

This Special Report is an attempt to examine some of the changes coming about in our schools as a result of a growing recognition by the courts, if not by all parents and educators, that "students are persons."

A FAREWELL TO IN LOCO PARENTIS

Perhaps the recognition that high school students have constitutional rights would have gained ground even if two Tinker youngsters and their friend, Christopher Eckhardt, hadn't decided to wear black armbands to school in 1965 to protest against the Vietnam war and in defiance of Des Moines school authorities. After all, the U.S. Supreme Court, which ultimately decided the Tinker case in 1969, had said in 1967 that "neither the Fourteenth Amendment nor the Bill of Rights is for adults alone." And former Assoc. Justice Abe Fortas, who wrote the decision for the court's seven-man majority in Tinker, said it had been the "unmistakable holding of this court for almost 50 years" that neither students nor teachers "shed their constitutional rights to freedom of speech or expression at the schoolhouse gate."

Then, too, even before Tinker, the civil rights movement flourished; college students were asserting their rights on campuses from Berkeley to Boston; young people of all ages were increasingly involved in antiwar and other protests--at the 1968 Democratic National Convention, for example. Furthermore, extending the vote to 18-year-olds was the subject of prolonged debate that called attention to the rights of the young and culminated in the 26th Amendment. But Tinker was decided, and the hoary doctrine of in loco parentis--the theory that schools and teachers could exercise total control over students because they acted as parent-substitutes and out of concern for students' welfare--would never be the same again. That the doctrine had flaws was not news: in 1859 a Vermont court found it weak. A parent's power, it held, "is little liable to abuse, for it is continually restrained by natural affection, the tenderness which the parent feels for the offspring. The schoolmaster," the court added, "has no such natural restraint. Hence he may not safely be trusted with all a parent's authority, for he does not act from the instinct of parental affection."

If that were not weakness enough, contends C. Michael Abbott of the Detroit Neighborhood Legal Services Centers, in loco neither takes into account times when a student, acting with parental consent, might still be violating a school rule, nor does it adequately portray the relationship between, say, a white, middle-class teacher and a black ghetto child. In short, Abbott concluded in The School Review, "it would seem that the demise of in loco parentis on all levels would indeed be welcome."

Others have found other flaws: The doctrine "has become increasingly irrelevant since the advent of compulsory education laws, for children may be in school against the wishes of parents," says an attorney's foreword to the packet of student conduct codes issued by the Harvard Center for Law and Education.

Allen Schwartz of Chicago, an authority on school law, contends that in loco, its origins traceable to the Code of Hammurabi in the 18th century B.C. and imported to this country as part of the common law, always has been too broadly interpreted. Recent court rulings, Schwartz suggests, have not so much curtailed the concept as they have pointed up its narrowness and inapplicability to student rights.

Armbands 'Akin to Pure Speech'

But Tinker made it clear that in loco must yield to the broader concept of the constitutional rights of the individual, whatever his age. The wearing of black armbands, Justice Fortas wrote, did not constitute "aggressive, disruptive or even group demonstrations." Rather it involved "direct primary First Amendment rights akin to 'pure speech.'"

The fears of the Des Moines school authorities--that armband-wearing would lead to disruption--resulted in their banning the symbols. As it happened, their fears proved groundless, but, Fortas declared, "in our system, undifferentiated fear or apprehension of disturbance is not enough to overcome the right to freedom of expression."

Nevertheless, while the decision held that "our Constitution does not permit the state to deny (the students') form of expression," it also made it clear that "conduct by the student in class or out of it which for any reason...materially disrupts classwork or involves substantial disorder or invasion of the rights of others is, of course, not immunized by the Constitutional guaranty of freedom of speech."

Thus, "material disruption" of school affairs or invasion of others' rights is to be the often-murky standard by which student actions are judged --and not whether the administrator happens to find such actions congenial. And, as Carl J. Dolce, dean of North Carolina State U.'s School of Education, told the 1971 convention of the American Assn. of School Administrators:

"An assertion or threat of disorder is not sufficient. Neither is a possible threat. To admit such bases as a threat of disorder or possible disorder for the exercise of authority is to permit virtually all types of arbitrary and capricious actions." In what he called his "sensible assessment" of student rights and responsibilities, Dolce accepted the premise that "the era in which children are viewed as chattel is long passed." But in the delicate process of defining student rights, he noted, implicitly held assumptions about the nature of education influence conclusions. Widened limits for student dissent, for instance, would be rejected by one who views education primarily as a process of indoctrination. So the changing concept of the purpose of schools must share with the courts some of the credit--some might say the blame--for the current approach to student rights and responsibilities.

Still another force contributing to the trend, Dolce suggested, has been "indefensible action by school authorities (which) simply tends to propel judicial decision and/or public opinion into a more determined effort to protect students from the arbitrary imposition of power."

Students: 'Participants, Not Recipients'

Students themselves could hardly be expected to be insensitive to such excesses and, of course, they have not been. The Education Task Force of the 1971 White House Conference on Youth declared: "America's democratic system is rooted in the belief that all citizens who are affected by the system should have a voice in deciding how the system is to be set up. This concept of a representative democracy has not been universally accepted in our nation's educational institutions." Students "must be thought of as participants, not merely recipients of the educational process," the task force said.

As one step toward implementing the task force recommendation that students on all levels have "a voice in the policy and governance of their educational system," the group urged all educational institutions, from junior high school through higher education, to adopt codes of student rights, responsibilities and conduct. Such codes, the task force suggested, should "clearly define the legal and social relationships of the institution to the student and the student to the institution in such areas as speech, demonstrations, dress code, housing, class attendance, etc."

That a sizable segment of the teaching profession recognizes--perhaps with some reluctance--the current trend in student rights and responsibilities was evident with the adoption of a strong statement on the subject by the 1971 Representative Assembly of the 1.1 million-member National Education Assn. (NEA). Presented by its Committee on Student Involvement, composed of equal numbers of students and teachers (plus a chairman), the NEA statement acknowledges that "a revolution in rights has begun throughout our society during the last decade."

One of the ways in which this revolution is affecting the educational institution and the content and process of education itself, the statement declares, is that "secondary and postsecondary students are pointing out that they are actively engaged in the practice of living and that therefore they have the right to assume responsibilities other people bear.

"The idea that the student's right is the right to choose for himself only those things adults would choose for him is being rejected as a basis of relationships between adults and young people. It has become evident that young people have contributions to make to the society and to the schools--in viewpoints, in ways of dealing with problems and in ideas--that adults cannot make and may not willingly accept."

Asserting that "the exercise of rights changes as students mature--the rights do not change," the NEA statement recognizes two types of student rights: those guaranteed to them as citizens under the Constitution and the Bill of Rights and those they derive as clients of an educational institution. Included among the latter is the right to influence the institution's effects upon them.

"More than most institutions," the NEA statement says, "schools influence the course of their clients' present and future lives. Students therefore have the right to substantial influence over the educational program, including the goals they pursue, the topics they study, the learning

materials and learning processes they use, and the criteria for evaluating accomplishment."

Thus, the need for schoolmen to consider changing their past policies, practices and prejudices is clear. U.S. Comr. of Education Sidney P. Marland told the 1971 national PTA convention that "organization and discipline are required to maintain our institutions, but at every point when they limit individual rights, they should be reexamined."

That the educational administrative establishment is beginning earnestly to respond to this call for reform at levels where rhetoric must be translated into action can be seen from results of two surveys by Education U.S.A.: one, of state education authorities and the other of Education U.S.A. newsletter subscribers, representing a cross-section of local school officialdom. But it is equally obvious that the pace of change in the schools has not been rapid enough to satisfy some students.

Students See Repression

"Many students today are questioning schools, work, marriage and life in general," declared SIC, the newsletter of the High School Student Information Center in Washington, D.C. "We are restless, bored and discontented with school because school does not help answer questions; school's response to questions is repression." The information center, once lodged in the U.S. Dept. of Health, Education and Welfare but, since its eviction, independently operated with foundation support, describes itself as "run by people of high school age or close to it." It functions as an information clearinghouse to let students know about schools that are "moving in the right direction" toward fundamental reform, according to Mary Wilson, one of its founders.

"Students and society are changing at a much faster pace than the schools, so the people who run the schools feel threatened--physically, intellectually and emotionally--by the students," SIC declares.

Unquestionably, acknowledges Miss Wilson, herself a high school senior "walkout," many schools are adopting student "bills of rights." But she claims, most have not formalized procedures to assure students of the ability to enjoy those rights, or in some way they have managed to manipulate their procedures to the students' disadvantage.

"Distressed but hardly surprised" that its survey of state boards of education found no student-members (Education U.S.A. found at least one, in California), SIC contends that "not having students on school boards is like having only foreign citizens representing us in Congress." Therefore, if the need for change is clear, it would seem equally clear that reexamination and change can no longer be performed unilaterally on the part of school authorities, nor even just bilaterally, involving also boards of education. As Mary Wilson and the White House Conference and the NEA declaration and the bitter experiences of schools that have undergone violent confrontations will attest, students will demand involvement. Often they will be willing to back up their demands with action, not excluding going to court.

"For school authorities to presume that the courts will not question the discretionary authority of school officials is no longer tenable," says Harry C. Mallios of the U. of Florida's School of Education.

'Powerful Forces' on the Students' Side

"The kids want a piece of the action and powerful forces are on their side," agrees M. Chester Nolte, professor of school administration at the U. of Denver and a leading authority on school law. "They are not easily fooled when it comes to having a hand in making decisions that affect their lives in school. The foresighted school," Nolte adds, "is even now changing its organizational chart to provide an adult who has the job of representing the student--a sort of child advocate, to use the White House (Youth) Conference term."

However, adult advocates to represent student views are not likely to satisfy student activists for long, if at all. Other ways of attaining student input are being tried, among them:

- The mayor of Newark, N.J., appointed a 17-year-old former high school student leader to that city's board of education (the student had to withdraw from college to keep up with his board responsibilities).

- In what may have been an election fluke--since he ran a "silent" campaign, never expecting to win--Don Anderson, 18-year-old U. of Oregon freshman, was elected to the Puyallup, Wash., Board of Education--and plans to serve.

- The Philadelphia Student Bill of Rights and Responsibilities allows each high school one or more "ombudsmen" who may be students, teachers, counselors, parents or community citizens.

- Similarly, following a college campus trend toward student ombudsmen, Frank Granucci, principal of El Cerrito High School in Richmond, Calif., has named as ombudsman a student "admired and trusted by both faculty and students" to see to it, in the principal's words, "that administrative power is not carried out autocratically."

Setting limits to student input is far from simple, however. The Dixon, Ill., schools have divided school governance into three levels: those where students have no authority (21 items including hiring-firing, discipline, homework and dress code); those where they have complete authority; and those of shared authority ("all other activities and responsibilities"), in which the student government has only advisory powers.

Bargaining, Arbitration Proposed

Nolte, writing in the American School Board Journal, proposes a system of "collective bargaining" on student rights, with a third-party arbitrator called in to make binding awards and decisions, much as in some teacher-school board negotiations.

Whatever the system used for recognizing and defining student rights and however significant the Supreme Court assertions of those rights, Nolte says it cannot be argued that the only way school boards can stay out of court is to give in to every student demand or regard all student freedoms as absolutes. "To do so, in fact, would be an abdication of their responsibility and would almost certainly be regarded as such by the courts," this school law expert argues. He adds, however: "School boards are going to have to employ large measures of patience and common sense--and must be ready and able to play by the rules which the Supreme Court has laid down with respect to individual rights."

In short, Nolte declares, "the burden of proof is on the school board. It becomes the board's responsibility to prove that the limitation of personal freedom it wishes to impose is absolutely necessary if the board is to fulfill its obligation of operating the public schools according to law."

Involved Students Learn More

Another adult advocate of sharing power with students, although inclining to the view that "meaningful power must be taken, not given," offers a pragmatic and educational rationale along with moral and legal justification for such sharing. "Many educational and industrial research studies indicate that people are more likely to increase their learning and commitment to an organization when they are involved in making important decisions about that organization," says Mark A. Chesler of the educational change team of the U. of Michigan School of Education. "With special regard to schools," Chesler writes in Educational Leadership, "it would seem that if more democratic forms of management and instruction are implemented, they may be important models for students learning about the nature and opportunity for democratic politics in the American society."

Chesler's conclusion is apocalyptic. "Finally," he writes, "such change, which meets the political demands of student protest groups, may help cool the crisis in American secondary schools." Indeed, he warns, the absence of such new patterns of power in schools could well result in "more numerous and more extreme short-term crises and the eventual collapse of our public educational system."

Let no school man imagine that the pathways of student involvement are strewn with flowers. When a group of students, calling themselves the Montgomery County Student Alliance, presented their appraisal of the much-touted schools of that affluent Maryland suburb of Washington, D.C., a few years ago, they began with the indictment that the public schools have "critically negative and absolutely destructive effects on human beings and their curiosity, natural desire to learn, confidence, individuality, creativity, freedom of thought and self-respect."

A 10-point bill of particulars followed. It listed the deleterious effects that the Montgomery County schools were producing in individual students, starting with "fear" and "dishonesty" and culminating in "self-hate." Under the rubric of "what needs to be done," the students advanced 24 proposals, beginning with installing a neutral ombudsman in the school administration

Fun and Games—With a Purpose

Want to design a school to fit your own educational philosophy? Play the "New School Game."

Interested in getting the entire school community to talk about student participation before--not during--a crisis? Have a group play "High School."

How about airing the problems and tensions of racial desegregation before they become overwhelming? Have a go at "Integration: The First Year."

These three "games" are role-playing simulations suggested as in-school activities by the Constitutional Rights Foundation, a non-profit California organization which provides sets of "rules" for the "games" it devises.

For more than two years, the foundation has included an eight-page student supplement in its twice-a-year "Bill of Rights Newsletter," which is sent free to all California social studies teachers and by subscription to others.

The foundation is located at 609 S. Grand Ave., Los Angeles, Calif. 90017.

and winding up with a demand for a student representative on the county board of education.

(Within a three-year period after the Alliance made its widely circulated views public, the board of education of this 127,000-student school system had taken some action on most of the more specific student demands. Activist students, if not wholly satisfied with the board's measures, were admittedly placated by the extent of their gains.)

In summary, if the courts are to be obeyed, if students are to enjoy their constitutional rights and to learn democracy in democratically run schools and, indeed, if the American system of public education is to remain operable, there can be little doubt that the course ahead will probably be one of greater student freedoms and responsibilities and more involvement by the "clients" in the shaping of educational decisions. But the course will not be an easy one to steer, nor will all waters traversed be calm.

WHERE THE ACTION IS

Why would a school want a written code of student rights and responsibilities?

"To define the gray areas in the law for both teachers and students," suggests Harvard's Center for Law and Education. "Despite the Supreme Court decision in Tinker upholding the right of students to express their views by wearing black armbands, lower courts have subsequently held to the contrary," declares the introduction to the center's student codes packet. It adds: "Despite countless cases upholding the right of students to determine their own dress and grooming style, just as many courts still permit school districts to regulate these private matters."

Other reasons advanced for such codes in the center's analysis: to establish new rights for students or to impose new restrictions on them, to spell out their "due process" or to replace an "unwritten code," and to guide teachers and students while simultaneously involving both in the rule-making process.

Students are entitled to know that their very schooling is a matter of right, suggests a resolution of the Seattle Board of Education accompanying its statement on student rights and responsibilities: "The Seattle School District recognizes that the primary intent of society in establishing the public schools is to provide an opportunity for learning; that the students have full rights of citizenship as delineated in the United States Constitution and its amendments; that citizenship rights must not be abridged, obstructed or in other ways altered except in accordance with due process of law; and that education is one of these citizenship rights."

The ACLU suggests yet another reason for defining the particular liberties of high school students, who see their older college brothers and sisters achieving such guarantees. "Like college students," ACLU said in Academic Freedom and the Secondary Schools, "secondary school students are entitled to freedom of expression, of assembly, of petition and of conscience and to due process and equal treatment under the law.

"But the difference in age suggests the need for a greater degree of advice, counsel and supervision by the high school faculty than is appropriate for colleges and universities." Thus the ACLU high school student rights and responsibilities statement calls for a delicate balance between assuring students of their liberties while "inculcating a sense of responsibility and good citizenship with an awareness of the excesses into which the immaturity of the students might lead."

Seeking to determine the areas in which students themselves desire more rights and responsibilities, a Johns Hopkins U. research team surveyed 14 high schools in the Baltimore-Washington, D.C., area. At the time of the survey, students seemed to want more say in nonacademic decisions than in such academic areas as course assignments, grading and selecting and rating teachers. But the Johns Hopkins report warned of potential for serious disagreement and for future teacher resistance should student interest in policy making shift to the academic spheres which many educators still jealously guard for themselves.

One Statement Called a 'Travesty'

Just any student rights and responsibilities statement will not satisfy today's students. New Jersey adopted and distributed to some 250,000 students a booklet-guide to student rights and responsibilities in August 1971. Colorfully printed by the New Jersey State Dept. of Education, sponsored by the state associations of high school student councils and principals, and approved by both school board and school administrator associations, the pocket-sized booklet received no praise from the High School Student Information Center (SIC). The booklet, which states student rights in laymen's language, with legal citations lightly printed in red ink in the margins, was termed a "travesty" by the center.

"Students' rights are expressed in vague terms and local school authorities have excessive discretion on such matters as distributing literature, circulating petitions and assembling to petition," SIC said. "School authorities are told they may search students' lockers whenever they wish, may set dress codes and may suspend students for out-of-school activities," it said.

SIC found a student-proposed California Student Bill of Rights far preferable. In it, SIC claims, "freedoms of speech, assembly, petition and the press are spelled out explicitly, students and lockers may not be searched without a proper warrant and students are guaranteed the right to dress as they please."

(The California State Board of Education subsequently adopted a less sweeping set of proposed guidelines on student expression for local schools to adopt or modify. They call upon schools to refrain from censorship and to encourage students to "express opinions, take stands, support causes and present ideas"; students are urged to recognize that such rights are subject to "reasonable time, place and manner restrictions and to certain prohibitions," e.g., material that is obscence, libelous, discriminatory against minorities or likely to incite disturbance.)

The New York City Board of Education prefaced its high school student rights and responsibilities statement, developed after year-long consultation with various constituencies, including students, with a stern caution:

"The rights and responsibilities set forth in no way diminish the legal authority of school officials and the board of education to deal with disruptive students. The statement is meant to foster greater understanding so that all concerned can participate more effectively in an active educational partnership."

Against this background, here is what Education U.S.A. found in a survey of state school authorities and of its newsletter subscribers on the current status of student rights and responsibilities around the country.

What the States Report

The number of states reporting that they have adopted statements on student rights and responsibilities--at least 15 (see p.45)--is not yet a majority, but others report having such a step under consideration. In most states that have issued statements on student rights and responsibilities, students played a part in their preparation.

At least half the states, in fact, report that (1) students are concerned about civil liberties and (2) student participation--either on state or local boards of education or, far more often, through advisory councils--is being actively encouraged.

California reports having had a nonvoting student member on its state board of education for two years--and some 80 local boards in the state have student members. Hawaii's state board of education includes a nonvoting student member. In Vermont, students sit with state and local boards of education and advise the state commissioner as well. Other states obtain student input in other ways: through youth advisory councils at the state or local level or by holding student conferences on dissent, unrest or citizenship.

Court cases on high school students' rights are still comparatively rare, although some 15 states (often, but not invariably, those having student rights and responsibilities codes) reported some degree of court activity. A number of states replied to the survey that student rights and responsibilities is an issue to be determined locally. A few states even require local school boards to promulgate policy statements. Some, however, equate student rights and responsibilities policies with codes of student conduct.

What Local Schools Report

At the local level, the majority of schools reponding do not publish formal policy statements on student rights and responsibilities, but one in three does--and this includes many of the country's largest school systems. Many more are considering promulgating such policies. As was the case with the states, local schools that have student rights and responsibilities statements overwhelmingly reported to Education U.S.A. that students were involved in drafting the statements.

At the same time as schools are issuing or considering student bills of rights, the detailed student dress code--once much in vogue--is far less evident today. The majority of schools responding to the Education U.S.A. survey reported that they did not have such a code. Many an administrator reported--often with patently mixed emotions--that he had once had such a code but dropped it.

Other administrators, however, have been upheld by the courts in their attempt to set grooming or dress standards--and the Supreme Court has yet to decide the matter conclusively. This very absence of an ultimate determination was deplored by one of the high court's associate justices, William O. Douglas, in his dissent from the court's refusal to hear a haircut-protest case: "The federal courts are in conflict and the decisions in disarray," Douglas wrote. "We have denied certiorari (Supreme Court review) where the lower court has sustained the school board and also where it has overruled them. The question tendered is of great personal concern to many and of unusual constitutional importance which we should resolve."

One fairly extensive compilation of federal court cases on hair and dress found decisions favoring school boards running about 4-3 ahead of those favoring students.

"The superintendent's council felt that we had better things to tell students about than how to dress," wrote a California educator. From a Nebraska high school came the words: "No dress code is the code."

"Neat and clean and no bare feet," represents the last vestige of a dress code for a Massachusetts school system. A Michigan school, like many another adopting the terminology of Tinker, said its sole dress requirement now is that clothing "must not be disruptive."

Some schools reported student morale improved after the dress code was dropped; many discerned little or no change, but one Massachusetts schoolman said that, with abandonment of the code at his school, "the kooks got kookier and the others stayed about the same."

In another student rights area that has come increasingly to the fore--freedom of the school and "outside" press--local school officials, by a margin of nearly three to one, disclaimed any pre-publication review of the student newspaper by a representative of the administration. The top-heaviness of this denial of precensorship is somewhat deceptive, however. Many who reported no prescreening of newspaper copy by the administration said their publication was reviewed by a faculty advisor who, to students at least, might appear undistinguishable from the administration.

As did the state education officials, local ones reported their students concerned about their civil liberties by at least a two to one margin and, more often than not, parents got involved in these controversies.

Court cases were somewhat rare at the local level but nearly one school administrator in eight reported having gone through some litigation. Predictably, results of the court cases were mixed (except that where they involved students or parents challenging a dress code, the dress code often lost out).

Most local schools, while limiting the power of their student government to making recommendations that are subject to school board or administration veto, sought other means of obtaining student participation in decision making. Advisory councils on a wide variety of subjects, and including students in their membership, are clearly the most popular means of

achieving this. But many other ways of getting students involved in policy making were reported. In a few cases, of which the most celebrated probably is Newark, N.J. (where the mayor named a 17-year-old student leader to the board of education), students may have full voting membership on a school board. A couple of Massachusetts school districts reported that their student members may make motions but may not vote. Most school systems, however, reported that students attend school board meetings, often formally representing their constituency but generally as observers with the right to speak but not to vote. Some few schools said that such systems had been short-lived because students quickly lost interest in the lengthy and often routine board proceedings.

Student Involvement—Variety Unlimited

"If we have learned anything from the events of the past two years," LaMar P. Miller of New York U. wrote as the 1970-71 school year was getting under way, "it is that no school is immune to the increased emphasis on student participation in educational activities." What Miller wrote, with the intention of showing that there can even be effective student participation in running elementary schools, remains true for education at all levels. From many quarters--and sometimes for divergent reasons--greater student involvement in the process of school governance in being urgently advocated and widely attempted.

National organizations of school teachers, administrators and curriculum experts have adopted resolutions calling, with varying degrees of enthusiasm, for greater student involvement in formulating school policies. In New York State, for instance, the Council for Administrative Leadership, composed of educators from various levels, resolved that "students be encouraged to take an informed part in the decision-making process in all areas of the school environment which directly affect them." (Students might be expected to ask: "Which areas do not?")

Schools themselves are urged to initiate their own programs of student involvement by Richard Gorton of the School of Education of the U. of Wisconsin, Milwaukee. "To some," he wrote in Phi Delta Kappan, "this may mean revitalizing the student government, but the present exigencies require--yes, demand--more imagination and vision. At one school with which I am familiar," Gorton continued, "students have long been involved as members of teaching teams. They have participated in departmental meetings, appeared at faculty meetings, helped evaluate instruction, developed minicourses, and have initiated faculty-administration-student dialogues every two weeks to hear complaints, answer questions and consider student recommendations for school improvements."

Montgomery County, Md., is one large school jurisdiction where the importance of student involvement has been formally recognized for some time. In its statement on the subject, adopted in 1969 and revised in 1971, the Montgomery County Board of Education declared:

"Students must be actively involved in the learning process. Therefore in each course and at each grade level, students shall be encouraged to par-

ticipate in establishing course goals, suggesting interest areas, planning classroom activities and appraising the course. Student suggestions and recommendations concerning curricular offerings and opportunities shall be permitted at any time and shall be solicited by the professional staff."

'Involvement Is Not Dissent'

Perhaps the spector of the alternative to accepting greater student involvement is never far from the wary administrator's mind. The 16-student Task Force of Student Involvement that advises North Carolina's State Dept. of Public Instruction offered some reassurance on that very point:

"Student involvement does not mean student dissent," this group declared in a statement of philosophy prefacing its 1971 report. "What students are saying is that they care; they want to be contributors to the educational process, not just recipients. Educators' greatest potential resource lies in taking advantage of this interest and in channeling it into responsible areas of activity."

A similar view--not wholly oblivious of the alternatives--was reported in NEA's Research Bulletin in March 1971. It said students in numerous school systems "are being asked for their opinions in areas that used to be reserved to administration: the evaluation of teachers, what should be included in the curriculum, what textbooks will be used, what students will be allowed to wear, the design of a new school." And the result, according to the Bulletin, "is that protest is being turned into positive action and dissent is channeled into constructive criticism."

The means for achieving this new level of student involvement would seem to be limited only by the bounds of the imaginations of students and educators. The Educational Research Service of the NEA and the American Assn. of School Administrators, in a publication first issued in 1970, offers a Framework for Student Involvement. It declared "most encouraging" reports from schools that have given students wider roles in "evaluating, updating and strengthening school programs and policies." Most such efforts, the report found, date from the 1969-70 school year, and they include:

- Student representation on a very limited number of boards of education.
- Student advisory groups to the administration.
- Students participating in curriculum planning, through systemwide or single-building committees, with the students sometimes paid for their efforts.
- Student membership on ad hoc committees dealing with such topics as a curriculum problem of student rights and responsibilities.
- Student participation in a wide variety of other fields, including the screening of teachers, administrators and textbooks; human relations, discipline, student surveys and a school's self-evaluation for regional accreditation.

Although in general the success of these budding efforts at student input was measured in abstract terms--such as "open channels" or "improved dialogue"--at least one administrator reported a by-product perhaps devoutly hoped for. "By involving the students we had no disruptions in our high school nor at the moment are we having any difficulties with underground newspapers and the like."

From its own surveys and sources, Education U.S.A. discovered such ways of increasing student involvement as the following:

- Edina-Morningside, Minn., has a Student Board of Education, partially elected, partially student council-appointed, which meets just prior to meetings of the "senior" school board to present student concerns to their elders through the superintendent.

- In Salinas, Calif., a student sits with four faculty and administrator-members of each teacher-applicant screening committee. Chosen by the principal and approved by the head of the department in need of a teacher, the student-screener is expected to be, according to local officials, "an all-around, well adjusted student with a lot of contact with the concerned department." He (or she) exercises one-fifth of the say in hiring a teacher.

- Bay City, Mich., sends student council members as ex officio representatives to the Board of Education, where they cast votes recorded as "advisory."

- Students in Buffalo, Atlanta and San Diego have been paid stipends (one district reported $10 a day) for working as members of curriculum writing and review teams.

- Baltimore's city school board has added two secondary school students elected by their peers, as nonvoting "associates." They will, according to the Baltimore Sun, participate in "all board discussions, public and private, except those dealing with personnel and site acquisitions."

- Gov. Francis Sargent of Massachusetts has signed a bill adding a student as a full-fledged, voting member of that state's board of education. The student is elected to the state board through a long process that begins in his high school. Each Massachusetts secondary school elects a representative to serve on one of 15 regional advisory councils. Three members from each regional council are elected to a state advisory council. The chairman of the state council also serves on the state board of education.

- In Madison, Wis., where two students, elected at large, sit as nonvoting school board members, James Madison High School substitutes a Student-Faculty Policies and Procedures Council for a student council. This group, according to the principal, "makes all decisions which govern the policies and procedures affecting general operation of the school."

- Woodlawn High School, a frankly experimental venture of the Arlington County (Va.) Board of Education, is run by a weekly New England-style

"town meeting," a general assembly where each student and teacher has a single vote. (Lack of attendance has been a problem at the meetings, according to the Washington Star.)

At least two school systems reported having unusual bicameral school governing bodies:

- In Alcoa, Tenn., any change in school rules requires approval of two independent groups: the regular student council and the 12-member student advisory council. (The latter includes three black students and three white students, each trio elected by students of their own race, and six others, three of each race, appointed by the faculty.)

- At Easthampton (Mass.) High School, "bills" must pass both an elected student house and an elected student-faculty senate before being presented to the principal. When he uses his veto, he must explain why.

A few developments in this area of expanded student involvement merit a closer look.

Students Help Pick Principals

Casting about for a way to involve his community in selecting those who would run their schools, Supt. Russell A. Jackson Jr. of East Orange, N.J., devised the "interviewing and screening advisory committee." The committee is composed of two parents, two students and two teachers from the school where a principalship is to be filled, plus three central office administrators. Its function is to interview and screen candidates.

Its findings--from which students so far have never dissented--are reported to the superintendent in the form of four names, listed alphabetically. From these, the superintendent has bound himself to accept one. More than a dozen principalships, assistant principalships, coaching positions and other key administrative slots have been filled using this method, said Jackson.

Schools Without Barriers

Philadelphia's Parkway School--a "school without walls" that makes the community its classroom--has been much reported and widely copied. A similar experiment, not patterned directly on Parkway and initially different in that it has "walls," is the Markle's Flats Junior High School, an experimental school jointly supported by Cornell U. and the Ithaca (N.Y.) Board of Education.

A free-and-easy student-teacher relationship and extensive student input in almost every school decision, large or small, mark the operation of this 100-student school. Its staff includes nine paid professionals plus three graduate students and 11 undergraduates from Cornell's "human affairs program," the latter "paid" with course credits instead of cash.

After a rocky first year that almost resulted in its demise, Markle's Flats got a new lease on life in 1971 under a new principal, Jonathan Daitch.

"We are trying to show that you can organize schools differently and teach kids differently and make education really exciting for kids and teachers," Daitch told Education U.S.A. "We're trying to show that you don't need the usual bureaucracy to run a school and that what bureaucracy there is can be friendly and flexible. The system exists here to serve the needs of the people within the institution, not vice versa.

"There are many ways in which students and staff and undergraduates are equal and many in which they aren't. The idea is to make the latter acceptable and understandable to everybody. Then, when kids are not intimidated, they feel free to make such statements as, 'We're not being taught enough.'"

Decision making at Markle's Flats operates on two levels: institutional and personal, Daitch reported. On the level of day-to-day personal dealings, there is almost complete equality: "Kids can call teachers by their first names or any other name they want. A teacher feels free to get mad at a kid or to put an arm around him and tell him he likes him."

At the institutional level, Daitch said, decision making at Markle's Flats is more difficult. The basic body for that process is the weekly all-school meeting (comparable to Parkway's weekly "town meeting"). But many students are unprepared or unwilling to make decisions in this kind of setting or do not believe once they have made such decisions that the faculty will abide by them, Daitch said. Yet "even when they wind up making the 'wrong' decisions, making it is part of their education," Daitch and his staff believe.

Less important decisions about school comings-and-goings and other work-related matters are made on an ad hoc basis, according to the principal. "The kids decide 'let's do this' and they just do it--it's never vetoed by me." In fact, Daitch doesn't want to know about most such decisions. That approach fits with his philosophy that "I don't believe you can give freedom--in a sense it has to be taken. If I grant power to make a decision, or even if I know a decision is being made, and allow it to go on, that implies my consent."

School decisions are governed by whether or not they conflict with the plans of others: "Part of responsibility is dealing with people whom your decision affects," Daitch explained. "The thing that distinguishes us mostly," he went on, "is our attitude toward kids. What we are trying to do here is to teach kids how to learn rather than just subject matter," he said. Thus, although some classes--mathematics or foreign language, for example--may look fairly conventional, others may be student-taught.

"We're trying to teach the kids that just because someone is a teacher doesn't mean he or she knows all the answers--and that to be good teachers, teachers need to be learners, too. So we have genuine acceptance here of the fact that kids know a lot of things and, in some cases, know more than teachers."

A few excerpts from the "formal" list of Markle's Flats course offerings: while "Laurie" offers "body awareness" and "Dorothy" teaches "good feelings" in the gym, "Charlie" and "Barb" are teaching "Journey to the Center of Your Mind." Other curricular offerings: "Writing and speaking better: a course your mother wants you to take but it'll be fun anyway," and "Have you thanked a green plant today?" a course in "growing green things."

All in all, Daitch is convinced that "what we're doing is right," that students "love it," and that, despite differences of opinion within the board of education and a crucial board election in the offing, the experiment will be renewed for another year.

Furthermore, he says, hardly a school in the country is more than 50 miles from some institution of higher education (Cornell pays half Daitch's salary), so most could embark on an educational experiment in student involvement like that at Markle's Flats.

School Smorgasbord in Minneapolis

If Markle's Flats and schools in the Parkway mode go to great lengths in student involvement and democratized education, a five-year experiment in Minneapolis entitled "Southeast Alternatives" seems to go even further. It serves up something of an educational smorgasbord to parents and their youngsters.

With the initial aid of up to $3.5 million in federal "experimental school" funds, an entire section of Minneapolis--its population ranging from worker to professor--is being offered a choice among four approaches to elementary schooling.

At least two of the options available involve an unusually high degree of student input: the Open School, modeled after the British infant school and the Free School, where parents, teachers and pupils are free to decide what, if anything, they want studied. (The other two available modes of education are the Contemporary School, a modernized conventional approach, and the Continuous Progress School, composed of ungraded, ability-grouped units.)

STUDENTS AND THE BILL OF RIGHTS

First Amendment Rights

"The remedy for today's alienation and disorder among the young," a federal district judge declared recently in a Connecticut case, "is not less but more free expression of ideas. In part," he continued, "the First Amendment acts as a safety valve.

"Student newspapers are valuable educational tools and also serve to aid school administrators by providing them with an insight into student thinking and student problems. They are valuable, peaceful channels of student protest which should be encouraged, not suppressed."

This district judge subsequently was upheld only partially in his invalidation as unconstitutional of a school rule banning unauthorized printed materials from school grounds. But the trend of recent court cases affirming basic First Amendment freedoms for high school students remains quite clear.

"Punishment for something a student has said, written, published or distributed should be viewed with strictest scrutiny," suggests Harvard's Center for Law and Education. "Student actions--especially those covered by the First Amendment, freedom of speech, the press and so on--appear to be becoming increasingly untouchable by any school board that wants to avoid landing in court," agrees H. C. Hudgins, a Temple U. professor of school law.

How far does this newly affirmed student freedom extend? To the right to take stands on major current issues and to publish material that may not be to their elders' liking, Hudgins replies, but probably not to abusing the educators themselves, to encouraging disobedience to school authority or to unrestricted distribution of unofficial or "underground" publications.

"About the most that can be clarified at this point," Hudgins wrote in the February 1970 American School Board Journal, "is that the student press has been liberated and given greater freedom through recent court decisions. School board members and superintendents should heed the trend and allow students to write freely on a variety of topics. After all, such freedom extends and enhances study in the regular curriculum, encourages freedom of thought, places a responsibility on students for careful, objective study and is likely to save boards the costs of losing lawsuits."

Still, a federal court in a New York case has said that budding Tom Paines may be treated differently at the college and high school levels.

Upholding the suspension of a high school student who distributed, near the school building, an underground newspaper obscenely critical of school authorities, this court declared:

"The freedom of speech and association protected by the First and Fourteenth Amendments are not 'absolute' and are subject to constitutional restrictions for the protection of the social interest in government, order and morality.... The activities of high school students do not always fall within the same category as the conduct of college students, the former being in a much more adolescent and immature stage of life and less able to screen facts from propaganda."

Purse String Powers: Restraint Urged

Another distinction worth noting--between student publications that are financially independent and those that are not--is made in the student rights and responsibilities statement adopted in July 1971 by the NEA Representative Assembly. Declaring it desirable that student publications be as financially self-supporting as possible, the NEA resolution states that, when they enjoy that status, student media should incorporate and "must be free of all external regulation or intervention."

As for financially dependent publications, "the institution must refrain from using its financial power as a means of controlling (them)," the NEA declared. Guidelines for such publications should be set by a panel composed equally of student and faculty/administration representatives but "in no case may contents of the publication be censored by this panel or any other agent."

The apparent trend of court decisions led the National Assn. of Secondary School Principals (NASSP) to advise its members to set guidelines for materials unacceptable for publication; perhaps to insist on the right of reviewing what is to be distributed, or at least to set the conditions for distribution and to provide for appealing a principal's decision, if necessary, to the board of education. "Generally," declared an NASSP legal memorandum, "the restrictions and regulations governing responsible journalism as defined by the American Society of Newspaper Editors should be applied with the clear understanding that school officials have the authority, indeed the duty, to provide for an ordered educational atmosphere, free from constant turmoil and distraction."

One of the most valuable publications dealing with these and other student rights is NASSP's The Reasonable Exercise of Authority, written by the association's chief counsel, Robert L. Ackerly. On questions of freedom of expression and publication, Ackerly made three major points:

- Freedom of expression cannot be legally restricted unless its exercise interferes with the orderly conduct of classes and schoolwork--provided also that students do not attempt to coerce others to their point of view.

- School-sponsored publications should be free from policy restrictions outside the normal rules for responsible journalism, but all students,

including those who are not members of the publication staff, are also entitled to some access to its pages for their views.

- Nonschool publications, if they follow the same rules of responsible journalism, also should be permitted, although their distribution may be subject to administrative restrictions as to time and place.

To this the American Civil Liberties Union, in its Academic Freedom in the Secondary Schools, would add this footnote: "The student press should be considered a learning device. Its pages should not be looked on as an official image of the school, always required to present a polished appearance. Much may sometimes be learned from reactions to a poor article or a tasteless publication."

Students' rights of free expression in California received a substantial boost in October 1971 when that state's board of education called upon local boards to "encourage students to express opinions, take stands and support causes. There should be no prior censorship or requirements of approval of the contents or wording of the printed materials related to student expression on campus," the board declared.

And in New York City, in an unusual case involving rights on rights, the board of education agreed in federal court in June 1971 that it would no longer interfere with high school students' distribution of a student rights handbook published by the New York Civil Liberties Union or with other nonofficial publications. The only condition set on the New York stipulation was that such distribution "not substantially interrupt school activities."

The area of First Amendment rights for students still is fraught with uncertainties. As Leslie Shapiro, a Maryland Civil Liberties Union attorney, has observed: "The courts are now busy...wrestling with questions such as: what constitutes 'substantial disruption' of a school activity; under what circumstances it [disruption] may be 'reasonably forecast'; and whether anything which occurs on school grounds must be defined as a 'school activity.'"

Free Student Press—Local Views Differ

In its surveys, Education U.S.A. found, as reported earlier, that the majority of school administrators disclaim requiring "prior review" of student publications, while acknowledging that faculty advisers frequently do preview student publishing efforts. Predictably, there was a wide range of comment from local schoolmen on the extent of student freedom to publish in their schools. It ranged from a Virginia report which said "what the principal says is what is printed" to broad declarations of student freedoms. A high school in Skokie, Ill., lists various forms of expression--printed and symbolic--as "protected activities" which the school administration will not restrict, except under "general limitations" that deal with disruptions, breaches of discipline, invasion of others' rights and avoidance of obscenities or libelous matter. The Skokie statement is typical of many.

From Jericho, N.Y., a school official reported that all copy for the student newspaper is submitted in advance to a representative of the adminis-

tration but "we have a board policy which prohibits censorship, so nothing is deleted." A Wisconsin school official, asked whether criticism of school officials is permitted in student publications, replied, "Yes, but not recommended." That probably portrayed with unusual candor the situation in the majority of school districts where, the survey found, such criticism is, at least theoretically, allowed.

Another factor might influence how much freedom a faculty adviser is willing to allow the school newspaper. The Wyoming Supreme Court in 1970 upheld the dismissal of a journalism teacher and newspaper adviser on grounds that his allowing students to publish an obscene, student-written critique of teachers' disciplinary measures could constitute evidence of his incompetence.

Although a slim majority of school authorities reported to Education U.S.A. that they tolerate "underground" newspapers, while often requiring that they be distributed off-campus, a Minnesota journalism teacher and publications adviser makes some positive proposals on this question. "Need the papers be 'underground,' a word or concept which suggests subversion?" asks George Pearson of Roseville, Minn., writing in the NASSP Bulletin for September 1971. "Isn't it possible to recognize additional publications or, better yet, encourage them and help them find funding? The focus of coverage and the editorial stance of the established school newspaper may be as stilted and alien to many students as a monopoly daily or weekly may be to many adults. If the school is honestly seeking to encourage critical and independent thinking and articulate self-expression, what good reason is there to oppose a variety of publications?"

Other First Amendment Rights

High school students' right to freedom of religion is seldom called into question, and in 1971 Congress rejected yet another attempt to upset a U.S. Supreme Court decision of 1963 by proposing an amendment to the Constitution to allow voluntary or nondenominational prayers to be said in schools and other public buildings.

Students have been free to abstain from compulsory flag salutes and from reciting the Pledge of Allegiance since 1943 when a Supreme Court decision invalidated a West Virginia law. Both ACLU and NASSP are in agreement that students should be free to present petitions to school officials at any time. ACLU also asserts that students have the rights to associate and assemble--with freedom to select their own faculty advisers for such associations, but subject to school regulation as to time, use of school facilities or the school name--and subject also to the tests of peaceableness and nondisruption that form the keystone of the Tinker decision.

Fourth Amendment Rights

Although courts have recognized the college student's dormitory room as his temporary home (and "castle") and thus immune to the "unreasonable searches and seizures" which the Fourth Amendment bars, the same apparently cannot be said for the high school student's locker.

That would seem to leave this area--which one civil liberties lawyer calls "one of the most unexplored facets of student rights"--as at least one where vestiges of the doctrine of in loco parentis still survives. However that may be, Harvard's Center for Law and Education, in the publication quoted on several previous occasions in this report, suggests that courts have tended to the opinion that lockers belong to the school, not to the student, and therefore: "Until decisions like this are reversed in the higher courts, students would be wise to treat their lockers as public, rather than private, places," the center's staff attorney counsels.

H. C. Hudgins, Temple U.'s school law expert, makes no bones about it. A review of state court cases in California, New York and Kansas led him to conclude: "It's clear that the courts have left the doctrine of in loco parentis undisturbed with respect to locker searches," he wrote in the November 1971 Today's Education.

Each of the cases Hudgins reviewed--involving marijuana, hard drugs and stolen goods--reaffirmed school officials' authority to search lockers either at school or, in one case, at a bus station where a locker was opened with a key found in a student's school locker. "The decisions may make civil libertarians unhappy, but many parents and school personnel will be pleased that the courts have supported administrators in attempting to eliminate the distribution and use of dope at school," Hudgins had written in an earlier NASSP Bulletin.

Does this mean high school students are totally without protection from "unreasonable" searches? Not so, agree Hudgins and Robert Ackerly. In the first place, since a teacher's right to search a locker hasn't been determined, Hudgins advises that necessary searches be conducted--and "prudently"--by principals. "Sound law requires that the student be present," the professor points out, "and similarly, it's wise for the administrator to have a third party present as a witness." The student should be warned of the impending search, Hudgins says, but only on route to the locker so that its contents cannot be removed or destroyed.

Equally cautious is the advice given by Ackerly in The Reasonable Excise of Authority. He urges school officials to set a firm policy on this issue, after getting legal advice, and to publicize that policy widely. And despite any opinions that neither the student's person, his desk nor his locker is immune to search, Ackerly cautions principals against taking such action "except under extreme circumstances, unless permission to do so has been freely given by the student and other competent witnesses are at hand." There is less question about the right of police to make such searches--particularly when they arrive bearing search warrants and when there is reason to suspect a locker might contain explosives, drugs or stolen goods.

Policemen in the Schoolhouse

The whole question of police officers at school is one that only a few student rights and responsibilities codes deal with directly. "Police have no power to interview you in the school and the school officials have no right to make you available to the police for this purpose," declares the

controversial Student Rights Handbook, issued by the New York Civil Liberties Union.

This pamphlet--which also advises students not to consent to any search of either person or locker, but concedes they have no legal right to resist one--cites New York State and City legal opinions and regulations to support a student's immunity from police questioning at school unless, again, officers carry search or arrest warrants.

NEA's position statement on student rights and responsibilities suggests that law enforcement officers be summoned to a school "only when their presence is demonstrably necessary to prevent injury to persons." Even then, they should be summoned only with the consent of a standing committee, composed of students and teachers in equal numbers, plus an administrator. NEA suggests adding that the committee be of a size permitting it to be swiftly convened.

Flint, Mich., schools, in their Code for Student Conduct, which includes a statement of student rights and responsibilities, permit police interrogations of students under specific restrictions but add this caution: "It is to be emphasized that the primary duty and responsibility of the school is to educate the child, not to serve as parent for the child. Requests by law enforcement officers to interrogate a child while the child is in school imply a reasonable assurance by the officer that the matter is of such immediate concern that it would justify interrupting school routine. In cases of no immediate concern, law enforcement officers should delay interrogation to hours when school is not in session and when the child's parent or parents can be present." Similarly, Montgomery County, Md., has a policy urging that "when possible and appropriate, arrest by police be made during nonschool hours and away from school premises."

But, when inevitable, "arrests on school premises during school hours shall be effectuated in such a manner as to avoid both embarrassment to the pupil being arrested and jeopardizing the safety and welfare of the other pupils," the policy adds. As for questioning, Montgomery County policy says a student under arrest must not be questioned on school premises, but should be removed "as soon as practicable after the arrest is made."

Another Washington, D.C., suburb, Fairfax County, Va., while also allowing police to question students under specified conditions, states that

Courts Say 'Yes' to 'No Smoking'

"With respect to smoking by students in school buildings, the courts have said that a no-smoking rule is reasonable and fair. This is not surprising, since the hazards to health caused by smoking are thoroughly documented by the Surgeon General of the United States, and the 'clear and present' danger to the safety of the school building and its occupants if smoking is permitted is evident."

The Reasonable Exercise of Authority
National Assn. of Secondary School Principals

"a cooperative effort shall be maintained between the principal and his staff and law enforcement agencies. It is paramount," the policy says, "that the rights of the school, the home, the civil authorities and of the individual be clearly understood and protected."

Student Records: Who May Look?

Closely related to the question of police at school--and to the Fourth Amendment, which has been held to protect the right of privacy--is the issue of the accessibility of the records a school maintains about a student. "Virtually all school systems maintain extensive records that go well beyond the academic," a Russel Sage Foundation study established not long ago. Yet, despite the fact that records often go extensively into a student's personal and family background and health, and contain teachers' opinions and observations, all too few school systems have well defined policies about how these records may be used and to whom they may be released.

"Although the right of the school to collect and maintain pupil personnel records remains unassailable," an NASSP legal memorandum declares, "the right of a 'party in interest'--that is, pupils and parents--to access is being more clearly established" in the courts.

In this field, state laws and school regulations vary or are nonexistent. "Your parents have a right to inspect your full school records at any time," states the Student Rights Handbook, issued by New York City's ACLU Chapter. Citing state education regulations, the handbook amplifies: "This means that your parents themselves have the right to inspect the actual record and not merely have items from your record read or transmitted to them by school officials...." Individual personnel and scholastic records may not, in New York State, be referred to any third party without parental consent, the handbook states.

New Jersey's new Guide to Student Rights and Responsibilities makes similar statements about parents' right to inspect "permanent" school records--"those retained after you leave school"--but adds: "However, school officials may withhold items of information which, in their judgment, are of a confidential nature or in which the applicant for such information has no legitimate interest." School authorities in New Jersey also may determine the time and manner of making the information available, perhaps suggesting that a counselor be present to interpret it.

To minimize controversy in this delicate yet still largely untested area, both the Russell Sage Foundation and the American Bar Assn. have offered numerous suggestions which may be summarized as follows:

- No information should be collected about a student without his prior consent, and his parents'.
- Academic records should be kept separate from disciplinary files.
- Schools should endeavor to verify the accuracy of file data and should destroy adverse information periodically when it is no longer needed.

- There should be no recording of students' political activities or beliefs.
- Parents should have full access to, and the right to challenge the accuracy of, data about their children, and students should have "reasonable access."
- For outsiders, however, access to any records should be subject either to the consent of both parents and student, to legal compulsion (such as subpoenas) or limited to cases where the safety of persons or property is involved.

Fourteenth Amendment: Due Process and Equal Protection

When the Supreme Court declared in a 1967 ruling (In re Gault et al.) that "neither the Fourteenth Amendment nor the Bill of Rights is for adults alone," it reinforced for students of all ages access to the right to "due process of law" which both the Fifth and Fourteenth Amendments guarantee. That the right is fundamental--even though perhaps often denied to students--is widely accepted.

"To deny due process to anyone is to assume an absolute knowledge of guilt," Carl J. Dolce told the 1971 AASA convention. "Failure of school officials to specify charges and failure to afford a fair hearing provides authority with the possibility of applying sanctions in an arbitrary, unfair and capricious fashion. It is ironic," Dolce added, "that many adults fight for the right to a fair hearing in traffic violation cases, while at the same time denying this basic right to students whose life chances are significantly lessened by such drastic disciplinary action as long term suspension and expulsion."

To M. Chester Nolte, another authority on school law, the issue of students and due process is "more mystifying" to educators than such vexing problems as dwindling finances, teacher bargaining or minority recognition. Yet, Nolte adds, in the December 1971 American School Board Journal, "it threatens to make public school operations a potential nightmare for many school boards and administrators."

According to Nolte, the interpretation being placed on court rulings is that "no student may be denied his full constitutional rights unless the state (read school board) can demonstrate that an overriding public purpose will indeed be served by denying an individual his rights or by limiting those rights."

Due Process Minimum: A Fair Hearing

The minimum called for in disciplinary cases, says Nolte, is a hearing on the merits, with opportunity given the accused to refute the accusations, plus other procedural safeguards.

Nolte and Ackerly agree on the underlying principle--fairness--"a fair hearing, a fair trial, a fair judgment," says Ackerly in The Reasonable

Exercise of Authority. "Many decisions correct in substance have been overturned on appeal to higher authority simply on the ground that due process or fairness was not observed," he adds.

Due process must be flexible: It might be defined as "appropriate protection" of an individual's rights while he is being judged. Its degree should fit the seriousness of the charge and the severity of the potential penalty, suggests the American Assn. of State Colleges and Universities in a study of due process, principally as applied to college students. The more serious an alleged offense--and particularly when a student denies guilt--the greater the degree of due process needed to protect the student's rights and impose suitable punishment if he is found culpable.

"How much fairness must be assured the accused child and how nearly judicial a procedure is necessary to ensure it?" are the questions at the heart of the issue, according to Edward T. Ladd of Emory U. And, from his vantage point as a professor of education, Ladd views the issue as largely educational: "It is the educational experts who should say what requirements must or must not be placed on children to advance their education," Ladd writes in Social Policy for October-November 1971. "And educators, as educators, should devise procedures that will give the children and the courts the feeling that we are scrupulously fair about the way we use the authority we have been given."

To wait for further court definition of just what constitutes due process in schools would amount to "passing control of the schools over to the courts," Ladd believes. He advocates:

- Eliminating all unnecessary rules--even those that "make running schools easier and smoother." Typical of rules that he believes can go: no-talking in halls or lunchrooms, no-talking-back to teachers or principals, the ever-present requirement for corridor passes, the ban on leaving the school building during the school day and advance inspection of student newspaper copy.

- Increasing student input in deciding matters that affect them, including curriculum, teacher tenure, administrator-evaluation.

- Instituting "imaginative new procedures" to assure students of procedural due process, with final decisions on serious penalties left to "an impartial body outside the administrative chain of command."

Harvard's Center for Law and Education offers, as suggested procedures for due process "universally accepted by the courts," this list from a Missouri case which the Supreme Court declined to review:

- A written statement of charges.

- A hearing before the individual charged with student conduct, with students allowed to inspect any documents to be used at the hearing.

- Students, represented by counsel if they wish, and enabled to present a full defense, including witnesses.

- Students allowed to hear the evidence against them and to question adverse witnesses.

- The hearing officer to decide guilt, and to present written findings on the basis of facts presented at the hearing.

- Either party allowed to make a hearing record at his own expense.

On the question of a student's right to be represented by an attorney, authors of The Courts and the Public Schools offer this dual interpretation of a case heard in New York federal courts:

"At a preliminary investigation or conference, a pupil cannot complain if he is denied the right to counsel but...such a denial at a conference that could result in depriving him of his liberty or the right to attend school deprives him of his right to due process."

State laws are vague or nonexistent on this subject, according to a recent survey by Stephen Voelz of Loras College, Dubuque, Iowa. After questioning some 200 school systems, plus all states' attorneys general and state departments of education, he recommended that states adopt statutes to clarify and formalize court-approved procedures covering expulsions or suspensions from schools. Pending state legislative action, Voelz urges that local boards of education adopt clear policies of due process, as some have done.

Philadelphia's school board, declaring that it "wishes to assure every aggrieved student a fair and equitable hearing in situations involving suspensions in excess of five school days and in expulsions from the school system," includes a "right to counsel and due process" in its student rights and responsibilities booklet.

The 10-step procedure includes virtually all the procedural provisions recommended by Harvard's Center for Law and Education on the basis of the Missouri case, including the student's right to be represented by an attorney.

"Due process" in the Racine, Wis., schools' Code of Student Conduct means that the student:

- Must have had the opportunity to inform himself of the provisions of the code or of other school regulations or procedures.
- Must be informed of the provisions allegedly violated.
- Must be given a sufficient opportunity to give his version of the alleged violation and to call witnesses.
- Must not be judged by a person whose mind is already made up before the student gives his version.

The New Jersey Supreme Court ruled recently that four high school students suspended on assault charges brought by anonymous witnesses must be allowed to confront and cross-examine their accusers. In that state's newly issued code of student rights and responsibilities, the student facing expulsion or suspension is informed of his right to a hearing, to a written statement of charges and grounds justifying the proposed punishment, and to an "effective appeal."

"Education is too important to be granted or denied on the basis of standards of personal appearance," proclaimed a student rights and responsibilities policy proposed--although ultimately adopted in somewhat different form--for a small Delaware school system. "As long as a student's appearance does not clearly disrupt the educational process or constitute a threat to school safety, it should be of no concern to the school."

Using as it did the language and philosophy of the Tinker decision, this draft code for the Delaware community voiced an increasingly dominant view. The less control a school tries to exert over students' hair length, grooming and dress, the more likely it is to stay out of court and away from adverse judicial decisions.

(After review by a "somewhat conservative community"--to use the school superintendent's words--that small Delaware community adopted a modified version of the Tinker principle. The final version of its student rights and responsibilities statement declares merely that students have the right "to determine their own style of dress" as long as it neither jeopardizes their own health and safety or that of others and does not "interfere with the teacher-learning process or create classroom disorder.")

To look at many of today's high school students is to wonder whether schools actually ever did bar the beard, the shoulder-length or "Afro" hair style, the sockless sandals or the mini-skirt. But the controversy was--and still is--real indeed and, among classroom teachers at least, is likely to die hard: an NEA survey in 1969 found more than 85% of teachers convinced that their schools should have power to regulate both pupils' dress and grooming. Only 7% thought the school should not have such power over either, the remainder favoring school control over one or the other.

The teachers' views notwithstanding, here is what others have had to say on the subject:

- A dean of education: "Individual students should have the right to the widest possible latitude in personal dress and appearance.... Under certain circumstances, it can be demonstrated that dress and appearance do threaten the order of the school. In such cases, limitations are justified."--Carl J. Dolce, North Carolina State U.

- Two education professors: "There is only one justifiable reason for schools to formulate and adopt dress codes and that is when manner of

A Learner's Looks: Whose Business?

"The superintendent's council felt that we had better things to tell students about than how to dress," a California school administrator reported to Education U.S.A.

He spoke for many a school across the country where dress or appearance codes, once strict and detailed, now have been dropped, or at least relaxed to require simply safety and decency.

dress interferes with the learning process.... From our own experience, we strongly believe that administrators and teachers, by adopting dress codes, have created for themselves far more problems than they would have had without a dress code."--Alton Harrison Jr. and Eldon G. Scriven, Northern Illinois U.

- A school law expert: "If you want your student's dress code to stick in court, you--the board and administration--have to be ready to prove that the code is needed. The key words are prove and need. Opinions and beliefs don't count. Evidence does.... Your board has, in effect, only two alternatives: It can become more democratic in its governance of the public schools, or it can become a very specialized producer of legal evidence for use in the courts."--M. Chester Nolte, U. of Denver.

- A high school principal: "Unconventional though students' garb, hair-do and other accoutrements may be, teachers and principals must learn to accept them as legitimate expressions of personal values...."--Kenneth L. Fish, Northwestern Community High School, Flint, Mich.

- The principals' own association: "The two recognized factors which must sustain a hair-style regulation are: (1) protection of the health and welfare of the individual student and (2) the need to prevent disruption which would directly interfere with the educational process. Unless one or both of these factors is present, it is likely that a court will not sustain a regulation of hair style or hair length."--Legal Memorandum, National Assn. of Secondary School Principals.

What the Courts Say

Actually, as an NASSP Bulletin points out, the courts, even since Tinker, do not speak unanimously on the thorny question of governing students' appearance. For example, the Fifth and Seventh Circuit Courts of Appeals, the Bulletin notes, have issued diametrically opposite opinions on hair-style rules. The Supreme Court has not yet elected to determine which is right.

But Edwards and Garber, in The Courts and the Public Schools, point out that courts have agreed in recent cases that hair-style regulations, at least, did not violate students' rights under the First, Fourth, Fifth, Eighth and Ninth Amendments to the Constitution.

That left only the Fourteenth--the "due process" and "equal protection" amendment--for the courts to disagree over. And there, the authors found the "weight of authority" on this issue, at least since Tinker in 1969, to support the position that hair-style rules do violate students' Fourteenth Amendment rights unless there is clear evidence that the way they wore their hair resulted in disturbance or disruption of school activities.

Still, courts continue to conflict. In Minnesota, a federal district judge ordered a moustached student readmitted to a small-town high school.... In South Dakota, another federal district judge sided with a boy suspended on account of his shoulder-length hair....

In St. Louis, Mo., the Eighth Circuit U.S. Court of Appeals invalidated school restrictions on male hair-length unless the school could prove disruption resulted from long locks.... And so, on and on.

Yet, on the other hand: A Michigan federal district judge ruled that long hair is not a form of expression, that a Bay City high school was not required to readmit a student who wore it and, indeed, that "the terms on which a public free education is granted to high school students of Michigan should not and, we believe, cannot be fixed or determined by the students themselves."

Similarly, the Tenth Circuit Court of Appeals in Denver, ruling on lower court decisions in Colorado, Utah and New Mexico, held that wearing long hair is not a constitutionally guaranteed right.... In Missoula, Mont., a federal district judge refused to interfere with the expulsion of a 17-year-old who claimed his long hair expressed his social and political views. School authorities said it constituted a hazard in shop courses. Although the judge found the student sincere in his dissatisfaction with "what he deems a capitalistic, materialistic society," he also found that the young man "has not used other, more articulate means to express those beliefs. Nor can I find," this judge ruled, "that the maximum hair length permitted by the (high school dress) code would be any less expression of these views than the hair length permanently worn by the plaintiff."

In California, meanwhile, the Ninth U.S. Circuit Court of Appeals, dismissing contentions that students' rights of free speech (First Amendment), privacy (Fourth), fundamental liberty (Fifth) or due process-equal protection (Fourteenth) had been violated, also held that the entire long hair issue did not present a substantial federal question. He tossed two suspension cases back to state courts, which traditionally have tended to rule in favor of the authority of schools to regulate students' appearance.

Lest the Supreme Court's silence on the dress-grooming issue be interpreted to mean that anything goes, it should be noted that the court recently let stand the conviction of eight Iowa college students who stripped to the skin in protest against a magazine's commercial exploitation of the human body and sexual relationships. Their action, the lower courts had ruled, constituted indecent exposure--not constitutionally guaranteed free speech.

What Schools Might Do

If the courts disagree and the community demands a dress or grooming code, what is the beleaguered school administrator to do? In NASSP's The Reasonable Exercise of Authority, Ackerly advised that "there should be no restriction on a student's hair style or his manner of dressing unless these present a 'clear and present' danger to the student's health and safety, cause an interference with work, or create classroom or school disorder."

Elaborating on this, the NASSP booklet continued: "Students should not wear clothing or hair styles that can be hazardous to them in their school activities such as shop, lab work, physical education and art. Grooming and dress which prevent the student from doing his best work because of

blocked vision or restricted movement should be discouraged, as should dress styles that create, or are likely to create, a disruption of classroom order." (The words "are likely to create" may give some attorneys pause, since the Supreme Court held in Tinker that mere fear of disruption or disturbance was not enough to warrant curtailing a student's constitutional liberties.) But whatever a school does about dress codes, the NASSP publication strongly urged that it be done "only after full participation in the decision-making process by students and other concerned parties."

Given the courts' disagreement, but with the trend of decisions apparently running against prescriptive appearance codes, schools seem increasingly to be doing away with them. The findings of Education U.S.A. surveys on this point tended to confirm an earlier one by the Associated Press.

As in the previously quoted California school district where the superintendent's council "felt we have better things to tell students than how to dress," many schools reported once having had student dress codes but having either abolished or liberalized them, often in the direction of placing responsibility for student dress squarely on the student himself and his parents. In numerous states, schools reported having had their dress codes voided by the courts, and one New York State school district dropped its code because of anticipation that the courts would invalidate it eventually anyway.

A 'Model' Code

The Maryland Civil Liberties Union, offering a model "Bill of Rights for High School Students," suggests language like this on hair and dress: "A student shall be free to determine his dress and grooming as he sees fit, as long as his appearance does not substantially and directly endanger physical health and safety, damage property or seriously and immediately disrupt the activities of others."

Many schools have adopted just such language. In Greendale, Wis., a Milwaukee suburb, the code states that "the responsibility for the appearance of the students rests with the parents and the students themselves. They have the right to determine such student's dress providing that such attire is not destructive to school property, complies with the health code and does not interfere with the educational process. This right may not be restricted even by a dress code arrived at by a majority vote of students." Wayne, Mich., schools also leave student dress to parental discretion, with the school reserving the right to impose restrictions if dress becomes disruptive, detrimental to others' health, safety or welfare or potentially damaging to the school plant, as, for example, cleated boots.

San Francisco, Los Angeles and Dallas are three of the major systems that have greatly relaxed their dress codes. On the other hand, a student-faculty board at Niles North High School in Skokie, Ill., came up with a dress code that specifies that "the body must be totally covered with some opaque material from two inches below the collarbone in front, from the shoulder blade in back, to the tips of the fingers, arms loosely extended...." Although most schools did not report any drastic change resulting from the shift to a minimal code or none at all, one upstate New York system did encounter "more negative

student behavior...more fighting and injuries from severe horseplay and a more informal attitude toward schoolwork."

In Hastings, Neb., where cleanliness and neatness are stressed and "businesslike or semi-dress-up" clothes are "acceptable" for school, a senior high school regulation banning jeans for girls was dropped at the end of the first quarter of the school year. Seeking to determine whether the change had affected students' grade point averages, Hastings school authorities compared first- and third-quarter standings for senior high girls, dividing them into two categories: "girls who seldom wear jeans" and "girls who wear jeans the majority of the time." In the "seldom" class, grade point averages hardly changed from before jeans to after jeans--3.9 each quarter on a 5.0 point scale. But this was almost a full grade higher than the jean wearers' average, which dropped from 3.118 to 2.975 between first and third quarters. "Comments were made by some students that allowing students to wear jeans would improve their attitude and consequently allow them to perform better," Principal Elmer Murman commented. "This study does not support those comments. It is clear that girls who seldom wear jeans have grade averages which are almost a grade higher than girls who wear jeans a majority of the time."

From Wapato, Wash., a no-dress-code high school, came a small voice that might or might not portend a counter-trend: "We did have a dress policy," a spokesman for the 625-student high school reported to Education U.S.A., "and are considering it again."

Does Marriage Strike Out a Ballplayer?

Should a student who is married and a father be banned from interscholastic baseball? Yes, said a rule at Moorhead (Minn.) High School. The subject was well ventilated in the case of Scott Parr, 18, a Moorhead senior who ran up against the rule that barred married students from extracurricular activities. "We're not so much against marriage itself," said Robert Foster, Moorhead Board of Education president. "But what we are concerned about is marriage that involves a pregnant girl," he told the Minneapolis Tribune.

"Scott is a fine person and a fine athlete but we have to consider a student's influence on other students.... If we allow a married student in this type of situation to play for the high school team, we're essentially condoning his other activities." Scott's father, who agreed to the marriage even though he "wasn't really happy" about it, responded with this quote in the Tribune: "I don't really know how they could say he's a bad example. He's an example of a boy who, I admit, played with fire and got burned. But he's also an example of a boy who isn't shirking his responsibility and who is playing the game by the rules. I'm proud of him."

At last report, the ironclad rule had been repealed and the board of education was reported moving toward a policy of treating the question on a case-by-case basis with students given a hearing and a right of appeal.

A-B-C's: ALTARS, BABIES AND CLASSROOMS

Startling or alarming though it may be to many, the unblinkable fact is that high school students increasingly are getting married or pregnant or both. The trend of recent court decisions seems to imply that those who do so may both gain and lose some rights thereby.

On the one hand, girls who marry while still of compulsory school age probably cannot be required to stay in school, according to Edwards and Garber in The Courts and the Public Schools.

On the other hand, the pregnant girl probably cannot be suspended as long as she is physically able to attend classes. When she can't attend any longer, she is apparently entitled to special schooling at home or in school centers which many communities establish for that purpose.

Nevertheless, temporary suspension from school--its precise duration left undetermined by conflicting court decisions--may be sustainable, in the case of either a boy or girl, if authorities can show that school would be disrupted or discipline adversely affected by the married student's going to class. A Tennessee court held that suspending a student for the remainder of a term was not unreasonable, while a court in Kentucky called a one-year suspension unreasonably long.

"The extent of constitutional rights guaranteed students is no longer solely a function of school officials' ability to find any reasonable justification for their policies," says Harvard's Center for Law and Education. "Disruption in the educational process must occur when a deprivation of an educational right occurs. The desire to prevent moral contamination is not, itself, enough." As for pregnant girls, the center adds, "school authorities not only have a legal obligation not to discriminate against (them) by denying their right to attend regular classes, they may also be obligated to provide special services to such students, once it becomes unadvisable, for reasons of health, for them to attend ordinary sessions."

A 1969 New York City Schools memorandum offers one example of the current approach to the question of pregnant high school students: "As long as their emotional and physical condition permits," they should be allowed to remain in regular school programs. Special centers are available when regular school attendance becomes impossible, the New York document adds, but "after delivery, the young mother is expected to attend school."

A 1971 federal district court decision minced no words in ordering a Massachusetts school to readmit an unmarried, pregnant girl to class: "It

would seem beyond argument," Judge Andrew Caffrey wrote, "that the right to receive a public school education is a basic personal right or liberty. Consequently, the burden of justifying any school rule or regulation limiting or terminating that right is on the school authorities." The school board, the judge decided, had not supported this burden, having proven neither that the girl, her unborn child or her fellow-students would be harmed if she attended regular classes instead of taking advantage of the school's offer of special, out-of-class teaching.

Commenting on a Mississippi federal judge's declaration that a school's purpose in excluding pregnant girls from regular classes is "practical and apparent," the Harvard center observed: "In light of recent student rights decisions in other areas, however, such procedures may not appear as practical and apparent as they once did. They may well be unconstitutional."

Extracurricular Activities: Another Story?

Schools that exclude married students from extracurricular activities, however, may be less subject to challenge than those who try to bar them from instruction. Courts in general have upheld schools that barred married students, usually boys, from athletics, according to Edwards and Garber.

Upholding a school board rule that kept a married boy out of interscholastic basketball, a federal court in Iowa said: "We have no disagreement with the proposition advocated that all students attending school should be accorded equal privileges and advantages. But the participation in extracurricular activities must necessarily be subject to regulations as to eligibility. Engaging in them is a privilege which may be claimed only in accordance with the standards set up for participation.

"It is conceded, as plaintiff insists, that he has a constitutional right both to attend school and to get married. But he has no 'right' to compel the board of education to exercise its discretion to his personal advantage so he can participate in the named activities." Courts in Texas, Michigan, Ohio and Utah have taken a similar view.

Yet, in a more recent Iowa case, a 17-year-old former all-state forward won her right to rejoin the Ruthven High School girls' basketball team, although she had married and had a baby and thus was ineligible according to the rules of the state Girls High School Athletic Union.

Mrs. Jane Rubel and her 19-year-old husband dropped their $125,000 damage suit against the Athletic Union after the Ruthven Board of Education bowed to a federal judge's temporary restraining order immediately reinstating her on the team. Their suit contended that the rule discriminated unconstitutionally against Mrs. Rubel, while not imposing similar restrictions on women having "an even greater degree of sexual sophistication or experience."

(For a similar case apparently headed for amicable resolution without litigation, see page 34.)

STUDENT RESPONSIBILITIES

The second "R" in Student Rights and Responsibilities may seem sometimes to be written mighty small. At least, recent concern with expanding and spelling out student rights may at times appear to overshadow the existence of student responsibilities. Some school codes, particularly when they have been initiated by students, touch lightly, if at all, on this half of the equation.

But, particularly with the extension of voting rights to 18-year-olds, many of whom are still in high school, the fact that enjoyment of rights carries with it concomitant exercise of responsibility cannot be lightly dismissed. When it comes to consideration of what kind of responsibility is incumbent on students, however, views diverge considerably.

There is Carl Dolce's concept, for example, as expressed to the 1971 AASA convention, that student responsibility means simply "the freedom to experience consequences of action." Or there is the more limited view that responsibility is almost synonymous with discipline. "One of the most important (student) responsibilities," declares the student rights and responsibilities policy of the Baltimore County schools, "is the responsibility to obey a school rule or policy until such a rule is revoked."

Conventional wisdom, somewhat as in Newton's Third Law of Motion, has said that every right carries with it an equal responsibility and that, in fact, the two are inextricably intertwined. The student rights and responsibilities policies of the public schools of New York and San Francisco, for example, generally take this position.

"Rights also entail responsibilities," concludes the New York statement, issued in September 1970. "One of the major goals of this document is to establish a new trust based on the humane values of self-respect and respect for others. No student has the right to interfere with the education of his fellow students. If dialogue is interrupted or destroyed, then the bonds that hold us together are broken. It is thus the responsibility of each student to respect the rights of all who are involved in the educational process."

Similarly, in San Francisco's student rights and responsibilities manual, issued in mid-1971: "Students have the responsibility to respect the rights of all persons involved in the educational process and to exercise the highest degree of self-discipline in observing and adhering to legitimate rules and regulations. Responsibility is inherent in the exercise of every right." Noting that it is impossible to list every student right or every responsibility, the San Francisco statement--while enumerating at least 16 rights--

confines discussion of responsibilities to noting that "lack of responsibility means a weakening of rights."

But a somewhat different tack is taken by the National School Boards Assn. (NSBA): "It is not true, as it is so often claimed, that every right carries with it a concomitant responsibility," NSBA's Educational Policies Service states, opening the subject in its publication, Policies That Clarify Student Rights and Responsibilities.

"But many rights do carry such responsiblities and the (school) board should see to it that student responsibilities are spelled out clearly. This is important not only to prevent the exercise of rights from degenerating into the practice of license, but also because it is educationally valid practice to demand of students a degree of responsibility consistent with their age, maturity and social development."

Lest that sound--to a student, at least--somewhat on the preachy side, the NSBA publication adds, in a quite different tone: "It should be noted, however, that the spelling out of student responsibliities should be neither an implied punishment for the exercise of their rights or an attempt to force students to earn rights that are already theirs. ('If you want freedom of speech, prove that you have something intelligent to say!')

"Though there is often a relationship between a student's rights and responsibilities, they exist independent of one another."

One theme of the Tinker decision--that one student's rights end where they disrupt education for another--runs through the declarations on responsibilities of several major school systems.

"It is the responsibility of each student to respect the rights of all who are involved in the educational process," Philadelphia tells its high school students.

"The student is responsible as a citizen to observe the laws of the United States and the State of Washington and/or its subdivisions," Seattle students are told. "In the school the student shall respect the rights of others so that he does not interfere with their education."

New York Schools Offer Draft Advice

Under a program said to be widely copied and the most ambitious of its type, New York City high school students receive special counseling on a particularly adult facet of their rights and responsibilities: those that exist under the Selective Service Law.

A corps of some 100 "draft advisers," most of them teachers assigned to this additional duty part time, provide counsel for the students of draft age under an administration injunction that their role is to be "purely factual and objective, and representative of no social or political philosophies."

In the view of some school authorities, student responsibilities are intimately tied to their First Amendment rights. "We recognize the student's right to freedom of speech, freedom of press, to peaceful assembly and to petition for the correction of grievances," declare the guidelines of the Newton (Mass.) Public Schools. "Accompanying responsibilities flow from the exercise of these rights. Equal in value" among these are:

- Respect for one's self.
- Respect for others and their rights.
- Respect for individual dignity.
- Respect for legally constituted authority.

Greendale, Wis., a Milwaukee suburb, ordains that "students shall have the responsibility to develop tolerance for the viewpoints and opinions of others and to recognize the right of other individuals to form different points of view."

A Balance Sheet for Rights and Responsibilities

In several recent delineations of student responsibilities, they are ingeniously set forth in tandem with student rights or with the rights and responsibilities of teachers. An example of this sort of parallel presentation is the two-column tabular statement of "Teacher and Student Rights and Responsibilities for the 1970s" issued by the Educational Policies Commission of the Connecticut Education Assn.

Under the heading of "atmosphere," for example, Connecticut students are said to have the "right to learn, free from arbitrary restrictions," and the corresponding responsibility to "utilize the learning process effectively and to take maximum advantage of educational opportunities, with respect for teachers as individual persons." Across the page, teachers are said to have the "right to teach, free from arbitrary restrictions" and the responsibility for providing effective learning and offering maximum educational opportunities "with respect for students as individual persons."

Similarly balanced teacher-and-student rights and responsibilities are set forth under headings of "participation," "due process" and "expression."

The Flint (Mich.) Code of Student Conduct is prefaced with a table balancing each student's right with a responsibility. The right to attend school, for instance, is counter-balanced by the responsibility to attend daily and punctually. The right to dress "in such a way as to express personality" is offset by the responsibility to dress "so as to meet recognized standards of propriety, health, safety and good taste."

The Burris Campus School of Ball State U. in Muncie, Ind., through a faculty-student committee, developed a tabular presentation of teacher and student rights and responsibilities. They are grouped under headings of "academic," "protection of school," "personal property," "human respect" and "dress." A student's responsibility under the last category, for instance, is "to wear clothing secondary to education and...not to intentionally promote a severe emotional reaction."

Although, as might be expected, policies on student rights and responsibilities generally are found in secondary schools and particularly at the senior high level, the Middle School of Richmond, Mich., produced a statement of student rights and responsibilities (largely a student council document to which Principal David Borth says he added "about 10%"). The Richmond statement lists rights and responsibilities for the entire school community, enumerating nine responsibilities for students, six for parents and just four for teachers!

18-Year-Old Vote Broadens Responsibility

In other times, it might have sufficed for schools to limit their pronouncements about student responsibilities to a call for thoughtful and diligent participation in student government. With the ratification of the 26th Amendment, however, this exhortation also must be extended to include responsible participation by students aged 18 and over in ballot-box decisions about their local, state and national governments.

The Council of Chief State School Officers, welcoming the advent of the 18-year-old vote in 1971, urged local boards of education to "devise procedures for making voter education an integral part of the school curriculum" and pledged support toward that end.

WHICH WAY AHEAD?

The school superintendent in a middle-sized Ohio city could contain himself no longer. Sitting down to answer the Education U.S.A. survey on the current state of student rights and responsibilities, he exploded onto the questionnaire before him:

"Really, doesn't the profession have enough 'educational research' on this kind of trash now? How about the rights and responsibilities of administrators and boards to run schools and exercise strong leadership? Is this now 'out'? Why fan a fire? You don't have to live with it like we do!"

Students in his school system, the Ohioan reported, are granted freedom and authority "sufficient to match their desire and maturity--in our opinion." From another, larger Ohio community, a high school principal, after noting in his survey reply that "the democratic process and due process prevail in our school," went on to indulge in a bit of wishful thinking:

"We look and hope for the next Supreme Court justice to swing the majority back to a more conservative court...," he wrote, well before the latest Presidential appointments had changed the makeup of the high tribunal.

These schoolmen's responses were not typical of the tone of most replies to the Education U.S.A. surveys. But it might be unwarranted, nevertheless, to conclude from this that most adults concerned with schools welcome or relish the trends toward expanded student rights identified in earlier sections of this report.

For evidence to the contrary, in fact, one need go no further than the previously cited NEA national survey showing that teachers, by a margin of more than 12 to 1, believe schools should have the power to regulate student dress and grooming--although the general trend of court and administrative decisions runs in the opposite direction.

In New Jersey, as the State Board of Education was approving publication of a colorful new handbook on student rights and responsibilities, an attorney-member of the board was heard to wonder aloud whether students were not being granted rights and freedoms greater than those enjoyed by their teachers.

A Washington state senator who also happens to be a high school teacher was able at least to delay adoption by that state's board of education of a broad student rights regulation which, among its provisions, would prohibit denial of equal educational opportunity "because of pregnancy, marital status or previous incarcerations."

Said Sen. Jack Metcalf, in a student newspaper interview: "We can have a school which clearly places the primary emphasis on an exploration of the outer limits of personal liberty as exemplified in the Bill of Rights. But if we do that, we will certainly be impairing the optimum learning atmosphere and you can guarantee that our effectiveness in teaching will go down."

Asked how the learning atmosphere might be impaired if the student were responsible only to himself for his attire, the teacher-legislator replied: "I think the optimum learning atmosphere would be seriously impaired if a couple of well built high school girls who wore clothing that just barely complied with the indecent exposure laws entered a class. I think that would seriously impair the teacher's ability to teach and the students' ability to concentrate. That's just one example. I think there are millions."

Nor is Metcalf's fear of ultra-libertarianism without support in the educational profession: Many disgruntled administrators and school board members hold the opinion that "the courts are taking away many of their traditional powers and are trying to run the schools from the courtroom," said The Shape of Education for 1970-71 (National School Public Relations Assn.).

'The Courts Have Only Begun . . .'

And, indeed, in that hard-headed approach to questions of student freedoms, The Reasonable Exercise of Authority, NASSP'S Robert Ackerly concluded that the traditional self-restraint that has kept courts, and particularly state courts, from mixing into internal school affairs was then in the process of changing.

"In our increasingly permissive society," Ackerly wrote, "judicial reluctance to interfere with the principal's authority is lessening. Since there is an irreversible trend in our society to subject the exercise of power authority to legal norms, there is every reason to believe that the courts have only begun to apply the body of law to secondary school student demonstrations and related activities."

The question may justifiably be asked at this point: How "irreversible" is that trend? From at least two quarters--the composition of the nation's highest court and the mood of students--comes reason to suspect that the trend toward expanding student rights and freedoms, while not likely to be suddenly reversed, may at least be moderating in tempo.

The Tinker decision, which forms the underpinning for much of the movement toward broadening student rights, was handed down by a divided Supreme Court, as Edwards and Garber take pains to point out in The Courts and the Public Schools. Justice Fortas wrote for the seven-man majority and there were two dissents: by Justices Hugo Black and John M. Harlan, both of whom have since died after retiring from the court.

But Justice Potter Stewart, although agreeing with the ultimate decision of the court, criticized some of its reasoning: "I cannot share the court's uncritical assumption," he wrote, "that, school discipline aside, the First Amendment rights of children are coextensive with those of adults."

Furthermore, if the two dissenters are gone from the court, so are two members who were in the majority: Fortas, who wrote the prevailing view, was replaced by Harry Blackmun, and then Chief Justice Earl Warren yielded not long after the Tinker decision to Warren E. Burger.

Although the latest Nixon appointees to the court--Lewis F. Powell and William Rehnquist--are at this writing unknown quantities so far as their views as Supreme Court justices are concerned, it would not be hard to imagine, from their earlier records, that the court with its four new members might take a more limited view of student rights than it did in Tinker. And the process of remaking the court through retirement and new appointments, according to some predictions, is not yet ended.

Student Militancy Moderating?

At the same time as this change is taking place in the complexion of the Supreme Court, a New York Times survey had found evidence of moderating militancy among students: "With the war in Vietnam becoming less visible, with the draft lottery accepted as more equitable, with the 18-year-old vote a reality, with a lagging economy threatening the affluent society and, perhaps, with just plain passage of time, some distinctly new patterns are emerging among young people," the Times reported in late October 1971.

When it appeared that college campuses were beginning to quiet down, the word was "watch the high schools," according to the Times. But judging from events, or non-events, in major cities across the country, the newspaper account suggested that "high school students are following the quiet paths of their older brothers and sisters."

One factor in this apparent change, the survey suggested, "has been the yielding over the last few years by many colleges and high schools to most demands for revisions in rules and curriculum. Dress codes have been dropped and course requirements changed in high schools across the country. Countless other demands, as varied as the imagination of local student leaders, have been met. At Palo Alto (Calif.) High School, for instance, the administration has even agreed to stop ringing bells between classes since some students found them annoying."

Although all battles may not have been won, the Times reported that "it is hard to find many schools now where reforms seem to be of overwhelming importance to the students." Doubtless the experience of Montgomery County, Md., tending to bear out such a generalization, is far from unique: the board of education responded to militant student demands with many changes.

Appraising the current situation in Montgomery County for Education U.S.A., a student long critical of the board characterized its response as "limited" but conceded that it had been sufficient to "placate" most students.

Do these straws in the wind portend a return to the "good old days" of more autocratic school rule, if only those who would welcome such a development would wait long enough? Probably not. Some may even ask whether the good old days actually were that good.

No doubt there is wisdom in the appraisal of Peter Maier, a recent graduate of a Seattle-area high school and self-styled "responsible radical," who wrote:

"The high school student rights movement is an exciting and perhaps unique movement in education. It is the students who are pushing for an improvement in education by asking for the chance for direct participation in contemporary issues. The 'underground' newspapers and student organizations that can be found throughout our nation are examples of extraordinary creativity and initiative on the students' part. Let us hope," this young graduate concluded, "that our schools will follow the students' lead by recognizing that issues and education are inseparable."

To that hope should be added the reassurance given by Ackerly in The Reasonable Exercise of Authority: Student participation in school governance not only contributes to minimizing or averting confrontations and litigation, he wrote, but "a substantial body of evidence is accumulating that proves not only that such participation is feasible but also that the products of such collaboration can be judged reasonable and effective by both adult and adolescent criteria."

If the way ahead seems hard for students and adults negotiating their differences, the signposts of the past, barring an unlikely 180-degree turnabout in the courts, seem to mark it as the only way to go--peaceably.

APPENDIX

What the States Are Doing

Education U.S.A. conducted a survey of the state departments of education to determine where the states stand on certain questions pertaining to student rights and responsibilities. Below are the results of the survey.

State	Do you have or are you preparing a policy on student rights?	Did students help write policy?	Do you encourage students to serve on school boards or on advisory councils?	Are students in your state concerned about their civil liberties?	Have schools in your state been involved in any civil liberties court cases?	Remarks
Ala.	No					Local questions.
Alaska	Yes	No	Yes	Yes	No	
Calif.	Yes	Yes	Yes	Yes	Yes	Student member on state board and 80 local boards.
Colo.	No		Yes		Yes	
Del.	Yes	Yes	Yes	Yes	No	Has Government Youth Advisory Council.
Ga.	No		Yes		Yes	20-student Youth Communications Council meets with state board.
Hawaii	Yes	Yes	Yes	Yes	No	Nonvoting student on state board of education.
Idaho	No		No	Yes	Yes	
Ind.	Yes	No	No	Yes	Yes	Individual hair length choice upheld.
Kan.	No					
La.	No		Yes	Yes		Local questions.
Maine	No		Yes	Yes	No	"Listen to Us," report of student conferences, much-used.
Md.	No		Yes	Yes	Yes	
Mass.	Yes	Yes	Yes	Yes	Yes	Local clarification of student role urged.
Mich.	No					Local student conduct codes required.
Minn.	Yes	Yes	No	Yes	Yes	Student won "hair" case.
Mo.	No		No	Yes	Yes	
Mont.	No		Yes	Yes	No	

State	Do you have or are you preparing a policy on student rights?	Did students help write policy?	Do you encourage students to serve on school boards or on advisory councils?	Are students in your state concerned about their civil liberties?	Have schools in your state been involved in any civil liberties court cases?	Remarks
Nev.	Yes	Yes	Yes	Yes	No	Education department published "Anatomy of Dissent" on unrest.
N.H.	No		Yes		No	Three annual conferences held on student unrest, citizenship.
N.J.	Yes	Yes	Yes	Yes	Yes	Students and principals jointly developed handbook.
N.M.	Yes	Yes	Yes	Yes	Yes	
N.C.	No		Yes	Yes		
N.D.	No			Yes	No	
Ohio	Yes	Yes				State field-testing new student rights guidelines.
Ore.	Yes	No	Yes	Yes	Yes	Legislative mandate student rights standards.
Pa.	No		Yes	Yes	Yes	Now local matter, but state studies considered.
R.I.	Yes	Yes	No		No	"Vague" policy statement opposed by school board, student groups.
S.C.	No		Yes		Yes	State superintendent, many local boards have student advisory councils.
S.D.	No		Yes	No	No	
Tex.	No		Yes	Yes	No	
Utah	No		Yes	Yes	Yes	
Vt.	Yes	Yes	Yes	Yes		Students sit with state and local boards, advise state commission of education.
Va.	No		Yes		No	Largely local issue.
Wash.	Yes	No	Yes	Yes	Yes	
W.Va.	No		No	Yes		
Wyo.	No		No		No	Some local student advisory councils.

A Bill of Rights for High School Students
American Civil Liberties Union of Maryland

Article I: Expression, Assembly, Association, Belief

A. Expression

1. Students shall be free to express themselves and disseminate their views without prior restraints, through speech, writing, publications, pictures, badges and all other media of communication.
2. Students shall have access to any printed materials or other forms of communication available to the general public, and such materials shall be accessible in classes and libraries.
3. Students shall have the right to hear speakers and presentations representing a wide range of views and subjects in classes, clubs and assemblies.
4. Students shall have access to equipment and materials for disseminating announcements and views, including use of the school public address system, subject to reasonable time limitations, and use of a school mimeograph machine, subject to reasonable limitations of expense.
5. School authorities shall protect the rights guaranteed by this section from abridgement by any person or persons.
6. Students may be held accountable for libel and slander and for noise which is substantially disruptive of the activities of others.
7. Nothing in this section shall prohibit limitations upon purely commercial solicitations or transactions.

B. Assembly and Association

1. Students shall be free to join whatever organizations they please, to peaceably assemble, demonstrate and picket, to petition and to organize on school grounds or in school buildings. Exercise of the right of an individual to assemble, picket and demonstrate shall be denied him only on occasion when his acts substantially and directly endanger physical health or safety, damage property, or seriously and immediately disrupt the activities of others.
2. The school shall protect the rights guaranteed by this section from abridgement by any person or persons.
3. Nothing in this section shall prohibit limitations on purely commercial solicitations or transactions.

C. Religion

1. Students shall be free to practice their own religion or no religion.
2. There shall be no school or other publicly sanctioned, funded or encouraged religious rites, holidays, prayers or devotional instruction.
3. Students shall be free to study, examine, discuss, criticize or support religious ideas and institutions, just as they might explore any other subject.

4. Freedom to practice one's religion shall be denied to an individual only on occasions when his acts substantially and directly endanger physical health or safety, damage property, or seriously and immediately disrupt the activities of others.

D. Patriotic Ceremonies

1. No student shall be required to take a loyalty oath, say a pledge, sing an anthem, salute a flag or take part in patriotic ceremonies.

Article II: Hair and Dress

A. A student shall be free to determine his dress and grooming as he sees fit, as long as his appearance does not substantially and directly endanger physical health or safety, damage property, or seriously and immediately disrupt the activities of others.

Article III: Privacy

A. Student Record Files

1. A student's permanent record file shall include only information on his academic competence. Such a file shall not be disclosed to any person or agency outside the school, except to the student's parents or guardian, without his permission.
2. Any other records shall be available only to the student, his parents or guardian, and the school staff. Such other records shall be governed by strict safeguards for confidentiality and shall not be available to others in or outside of the school even upon consent of the student. These other records shall be considered temporary and shall be destroyed when the individual leaves the school.
3. All records shall be open to challenge by a student or his parents or guardian.
4. A student's opinions shall not be disclosed to any outside person or agency. A student shall be free from punitive actions in evaluations of his academic competence and in college or job references because of his opinions.

B. Search and Seizure

1. Students shall be free from searches and seizures of their personal effects, lockers or any other facility assigned to their personal use.
2. A judicial warrant shall be necessary for all searches and seizures, except in the event of probable cause to believe that a specific item in a specific place substantially and immediately endangers physical health or safety, property, or the activities of others.

C. Surveillance

1. There shall be no eavesdropping or surveillance through the use of any mechanical, electrical, electronic or other devices.
2. There shall be no undercover agents for any agency in any school activity.

Article IV: Self-government

A. All students shall have the right to hold office and to vote in student elections. Such rights shall not be denied for any reason.
B. Student government organization, operation, scope and amendment procedures shall be specified in a written constitution, formulated with effective student participation.
C. Regulations concerning student behavior shall be formulated with effective student participation. Such regulations shall be fully, clearly and precisely written; they shall be published and made available to all students. Regulations shall be reasonable and deal with specific observable acts.

Article V: Equal Protection

A. No organization which officially represents the school in any capacity and no curricular or extracurricular activity organized by the school may deny or segregate participation or award or withhold privileges on the basis of race, color, national origin, sex, religion, creed or opinions.

Article VI: Due Prccess

A. A student shall have the right to due process in disciplinary and investigative proceedings.

1. A student shall be informed of the specific regulation he has violated.
2. There shall be no cruel, unusual, demeaning or excessive punishments. There shall be no corporal punishment. The school shall attempt to respond to student needs, rather than simply mete out punishment.
3. In cases which may involve serious penalties, such as suspension, expulsion, a notation on his record, or long-term loss of privileges, a student shall be guaranteed a formal hearing before an impartial board. He shall have the right to appeal hearing results.
4. Rules for hearings and appeals shall be written and published, and there shall be effective student participation in their formulation.
5. The student shall be advised in writing of the charges against him.
6. He shall have the right to present evidence and witnesses, cross-examine witnesses against him, and have an adviser of his own

choosing in his behalf. The adviser may be drawn from the faculty, student body, administration or outside of the school.

7. The student shall have an open hearing, if he so chooses, or he may require that the proceedings remain private.
8. The accused shall have a reasonable time to prepare his defense.
9. He shall be free to remain silent, without penalty or presumption of guilt.
10. The burden of proof, based on a preponderance of the evidence, shall be upon the school.
11. A written record, available to the students, shall be made of all hearings and appeals, the costs to be borne by the school.
12. A student shall be free from double jeopardy.
13. No student shall be held to account by school authorities for any behavior occurring outside school time or off of school property, except during school-sponsored events.

B. Appeals from disciplinary proceedings shall be made to the student/faculty committee. This same committee shall resolve disputes over limitations of rights and questions of interpretation of the rights herein specified, upon the request of any student, teacher or staff person in the school, including any member of the committee.

1. The student/faculty committee shall be composed of one faculty member or administrator chosen by the administration, two faculty members chosen by the teachers, one faculty member chosen by the student body, the president of the student government and two students elected by the student body.
2. There shall be two cochairmen of the student/faculty committee, who shall preside at alternate meetings. One shall be a faculty member and one a student.
3. The student/faculty committee shall meet promptly to act upon any request.
4. The student/faculty committee may take testimony from anyone and shall make its determinations by majority vote.

Student Rights in New Jersey

The following excerpts are taken from Student Rights and Responsibilities in New Jersey. The booklet was sponsored and distributed by the New Jersey Assn. of High School Councils and the New Jersey Assn. of Secondary School Principals.

PREAMBLE

Students have a fundamental right to a free public education. You have a corresponding responsibility to join with other members of your school community in respecting the rights and responsibilities of others in that community, and in establishing a climate for learning within the school. This guide summarizes your basic rights and responsibilities as a New Jersey high school student, according to the laws of the land as expressed in the United States and New Jersey Constitutions, state school laws, federal and state court decisions, and decisions of the Commissioner of Education and the State Board of Education as of August 1971.

The law is a dynamic process: It is constantly being revised, amended, challenged, appealed and interpreted. These rights and responsibilities are complex issues; the laws and regulations are described here as they are written--not as some may feel they should be, nor are they consistently applied throughout our state. It is the responsibility of all members of the school community--students, parents, staff, administrators--to see that these rights are protected. You are also cautioned that this pamphlet is only a guide; it should not be used by you as a definitive statement of your legal rights in any particular situation. The rule or rules of law which govern a case will depend on the facts in each case.

This publication is designed to help all members of the school community recognize your legal position as a student in our schools and to avoid the confrontation caused by misunderstandings in this area. A school community facing a threat to its citizens caused by the anarchy of disturbances might be forced to suspend certain provisions for the brief period required to restore order. With the exception of this extreme circumstance, it is hoped that all New Jersey schools might be guided by the following statement. You may feel that you need additional advice concerning your rights. Your student council, principal, superintendent and board of education are all sources of information. You may wish to discuss situations involving your rights and responsibilities with your parents or counselors. If you are under 18, you cannot initiate legal action on your own behalf; you must have the support of an adult. You may also want to seek help from legal counsel....

Free Education: You have a right to a free and full education through secondary school in New Jersey from ages 5 through 20, unless you graduate before that age. You are required by law to regularly attend an approved educational institution until you are 16. You may not be asked to leave school merely because you have reached 16 years of age if you are, in fact, fulfilling your responsibilities as a student. Those responsibilities also require you to follow and attempt to complete the course of study prescribed by

your board of education. If it is determined that you are not fulfilling your responsibilities as a student, you may be subject to punishment. Married students share these responsibilities and rights, including the opportunity to participate in the full range of activities offered by the school. Local school districts may determine policies for providing pregnant students with the elements of an educational program designed to meet their special needs.

Hair and Dress: You may wear your hair however you wish as long as it does not endanger your health or safety or the health and safety of other students, or create classroom disorder. This applies to all school activities; you may not be barred from participation in any school program--such as athletic teams, musical groups or other clubs sponsored by your school--because of your hair. You have a responsibility to dress according to the approved regulations of your board of education.

Buttons and Armbands: You may wear or display buttons, armbands, flags, decals or other badges of symbolic expression, unless the manner of expression "materially and substantially interferes with" the orderly process of the school or the rights of others.

School Records: Your parents are entitled to inspect the official or permanent school records (those which are retained after you leave school) relating to you. This means that they themselves have a right to inspect the actual record, and not merely have items selected from the record by school officials. However, school officials may withhold items of information which, in their judgment, are of a confidential nature or in which the applicant for such information has no legitimate interest. School authorities may determine the time and manner of presentation of this information; for example, they may suggest that a counselor, qualified to interpret data in the records, be present.

Locker Searches: Under the Constitution, all citizens are protected from unreasonable searches and seizures; however, this does not mean that you are legally protected from search or seizure of any materials in your locker, which is school property.

Appeals: You may appeal a decision made by your school officials to the superintendent and the local board of education. If this is unsuccessful, you have two more appeals within the school system--first, to the Commissioner of Education, and then (within 30 days after the Commissioner has made his decision) to the State Board of Education. You may appeal your case in court without going through the administrative procedures outlined above, but the court may require you to first exhaust those channels within the local and state school systems. Your local board of education also has this right of appeal.

SAMPLE LOCAL POLICIES

Evanston Township (Ill.) High School
Policy on Student Expression

Section 1: Student Rights

Subject to the procedures and General Limitations provided, students who legally attend Evanston Township High School may express opinions and ideas, take stands and support causes, publicly and privately, orally or in writing. Such actions shall be referred to herein as "protected activities." There may be no interference with these protected activities based on the belief that any particular idea, opinion or position is unpopular or is contrary or offensive to community opinion or taste.

Section 5: General Limitations

As an aid to their interpretation and application, it is hereby stated to be the purpose of this policy and the following General Limitations to protect the freedom of student expression to the fullest extent consistent with (1) the maintenance of an orderly and efficient educational process and (2) the rights of all members of the school community, including the right to the maintenance of a school environment suitable for the healthy growth and development of all students.

No activity which materially or substantially interferes with appropriate student discipline on school premises shall be deemed protected activity.

No activity which materially disrupts classwork or provokes any substantial disorder shall be deemed protected activity.

No activity which invades the lawful rights of other persons shall be deemed protected activity.

No activity shall be deemed protected activity which involves the use or expression of (1) obscenities, or (2) any sexual or prurient themes where, given the particular context, content and manner of communication, such use or expression may reasonably be expected to be (substantially) harmful to the normal development of younger, impressionable and less mature students.

No activity involving the use of false statements or innuendoes which may subject any person to hatred, ridicule or contempt, or which may injure the reputation of any person, shall be deemed protected activity.

No activity unfairly abusive of, or unfairly injurious to, any school personnel shall be deemed protected activity. Nothing herein, however, shall be deemed to prohibit legitimate criticism for the purpose of redressing grievances actually thought to exist.

No activity involving statements grossly or unfairly prejudicial to any racial, religious or ethnic group, or any members thereof for the reason of such membership, shall be deemed protected activity.

No activity involving the use of printed materials to advocate that any religious denomination, sect or point of view is preferable to any other religious denomination, sect or point of view shall be deemed protected activity.

No activity involving the advocacy, or encouragement through false information, of the use of any substance or materials which may reasonably be believed to constitute a direct and substantial danger to the health of students, or providing any information as to the availability of such substances or materials, shall be a protected activity.

No activity involving advocacy of the violation of existing statues, ordinances or other established laws or official school policy, rules or regulations shall be deemed protected activity.

No activity involving the distribution of written material which has a significant purpose of advertising commercial products or services for sale by profit-making organizations shall be deemed a protected activity.

No materials may be circulated or distributed in exchange for any payment, whether as a price or voluntary contribution, for such materials. Nor shall any student receive payment for services in the distribution or circulation of any material. No circulation or distribution in violation of this paragraph shall be deemed protected activity.

No printed material published in connection with a protected activity shall be prepared by use of school equipment or property without specific approval by appropriate school personnel.

All copies of any written materials, whether posted on bulletin boards or circulated and distributed on school premises, shall bear the names of approved student organizations or of other sponsoring student groups or students. In the case of a student group, the names of at least two students principally involved in the posting, circulation or distribution shall be included.

Seattle Public Schools
Preamble to Statement of Rights and Responsibilities

A primary responsibility of the Seattle School District and its professional staff shall be the development of an understanding and appreciation of our representative form of government, the rights and responsibilities of the individual and the legal processes whereby necessary changes are brought about.

The school is a community and the rules and regulations of a school are the laws of that community. All those enjoying the rights of citizenship in the school community must also accept the responsibilities of citizenship. A basic responsibility of those who enjoy the rights of citizenship is to respect the laws of the community.

Recent court decisions have indicated clearly that young people in the United States have the right to receive a free public education, and the de-

privation of that right may occur only for just cause and in accordance with due process of law.

The courts have also stated that students have the rights of citizenship as delineated in the United States Constitution and its amendments; and these rights may not be abridged, obstructed or in other ways altered except in accordance with due process of law. The First and Fourteenth Amendments to the Constitution of the United States prohibit states from unduly infringing upon the rights of speech and expression. In the school setting this restriction on state action limits the manner and extent to which schools may limit the speech and expression of students. In order to effectively regulate First Amendment rights, school authorities must show that the failure to regulate would create a material and susbtantial disruption of school work and discipline.

Philadelphia (Pa.) School District
Student Bill of Rights and Responsibilities

1. The rights and limits of students respecting freedom of speech, press and assembly shall be in accord with the First Amendment of the United States Constitution.

2. In each high school there shall be established an elective and truly representative student directed government with offices open to all students. All students shall be allowed to vote. This government shall be elected annually on the basis prescribed by the constitution of each individual school.

3. At the discretion of the student government in each school, there may be ombudsmen, elected annually by students, who shall be trained to offer counsel as to students' rights.

4. Students shall have the right to counsel and due process procedures in the matters of suspension, transfer and expulsion.

5. Students shall have the right to participate in decisions affecting the curriculum through student representatives duly designated by the student government.

6. Students shall have the right to participate in the establishment of regulations regarding discipline through student representatives duly designated by the student government.

7. Academic performance shall be the only criterion for academic grades.

8. Students shall not be subjected to unreasonable or excessive punishment.

9. Students shall not be subjected to corporal punishment.

10. In light of the creation of these orderly procedures for dealing with student concerns, no student shall disrupt the education process within a school.

11. Every member of the school community, including students, parents, the school staff, has the responsibility to promote regular attendance at school, orderly conduct and behavior, freedom from fear of insult or injury, and maximum opportunities for learning on the part of each student.

12. No rule or regulation shall be established which diminishes the right of any student as set forth in the Student Bill of Rights and Responsibilities.

Flint (Mich.) Community Schools
Student Rights and Responsibilities

Students in the Flint Community Schools shall be extended the following rights accompanied by those responsibilities related to them:

It Is the Student's Right To:	It Is the Student's Responsibility To:
Attend school in the district in which his/her parent or legal guardian resides.	Attend school daily, except when ill, and to be on time to all classes.
Express his/her opinions verbally or in writing.	Express his/her opinions and ideas in a respectful manner so as not to offend or slander others.
Dress in such a way as to express his/her personality.	Dress so as to meet recognized standards of propriety, health, safety and good taste.
Expect that the school will be a safe place for all students to gain an education.	Be aware of all rules and expectations regulating student behavior and conduct him/herself in accordance with those guidelines.
Be afforded a fair hearing with the opportunity to call witnesses in his/her own behalf, and to appeal his/her case in the event of disciplinary action brought against him/her. Further, to expect that should he/she bear witness in a disciplinary case, that his/her request for anonymity be honored by the school.	Be willing to volunteer information in disciplinary cases should he/she have knowledge of importance in such a case.
Be represented by an active student government selected by free school elections.	Take an active part in student government by running for office, or conscientiously voting for the best candidates and making his/her problems known to the administration through his/her representatives.

San Francisco Unified School District
Student Rights and Responsibilities

PREAMBLE: RESPONSIBILITIES

Students have the responsibility to respect the rights of all persons involved in the educational process and to exercise the highest degree of self-discipline in observing and adhering to legitimate rules and regulations. Responsibility is inherent in the exercise of every right. It is impossible to list all student responsibilities, but it must be emphasized that lack of responsibility means a weakening of rights. Correspondingly, it is impossible to list all of the rights of students. Therefore, the following rights shall not be construed to deny or limit others retained by students on their own campus in their capacity as members of the student body or as citizens.

A. RIGHTS

1. Students have the right to a meaningful education that will be of value to them for the rest of their lives.

2. Students have the right to the maintenance of high educational standards. The maximum potential of the student must be developed.

3. Students have the right to a meaningful curriculum and the right to voice their opinions in the development of such a curriculum.

4. Students have the right to physical safety and protection of personal property.

5. Students have the right to safe buildings and sanitary facilities.

6. Students have the right to consultation with teachers, counselors and administrators, and anyone else connected with the school if they so desire.

7. Students have the right to free election of their peers in student government, and all students have the right to seek and hold office.

8. Students have the right to democratic representation in administrative committees affecting students and student rights.

9. Students have the right to participate in the development of rules and regulations to which they are subject and the right to be notified of such rules and regulations.

10. Legal guardians or authorized representatives, or students if authorized, in conformity with Sub-section B, Section 10751 of the State Education Code, have the right to see their own student's personal files, cumulative folders, transcripts, deans' files, etc., at any time during school hours and have the right to be notified if adverse comments are placed in such records.

11. Students have the right to be involved in school activities if they so desire without being subject to discrimination on any basis, provided they meet with the reasonable qualifications of sponsoring organizations.

12. Students on their own school campus may exercise their constitutionally protected rights of free speech and assembly so long as they do not interfere with the operation of the regular school program. The rights listed below are in accordance with the provisions of the San Francisco Board of Education Policy #13-31 A2, adopted March 31, 1971:

    a. Students have the right to wear political buttons, armbands or any other badges of symbolic expression.

    b. Students have the right to form political and social organizations.

    c. Students have the right to use bulletin boards without prior censorship requirement or approval by the administration or Board of Education. Students have the right to their own bulletin boards in accordance with the San Francisco Board of Education Policy #13-31 A2, adopted March 31, 1971.

    d. Students have the right to distribute political leaflets, newspapers or other printed matter both inside and outside school property without prior authorization or restriction by school administration or the Board of Education, provided, however, the time of such distribution may be limited to before and after school, during lunch, or other free periods so as to prevent interference with classroom activities.

    e. Students must refrain from any distribution or display of materials which are obscene according to the current legal definitions, which are libelous or which advocate the commission of unlawful acts.

    f. Students have the right to determine their own appearance, including the style of their hair and clothing.

    g. Students have the right to reasonable use of public address systems in school without prior censorship; however, the time of announcements may be limited to before and after school, during lunch or other free periods so as to prevent interference with class procedures.

13. Students have the right to present petitions, complaints or grievances to school authorities and the right to receive prompt authoritative replies from school authorities regarding the disposition of their petitions, complaints or grievances.

14. Students have the right not to be penalized in any way by the school administrators for the beliefs they hold provided they do not violate the rights of others.

15. Students have the right to respect from teachers and administrators, which would exclude their being subjected to cruel and unusual punishments, especially those which are demeaning or derogatory, or which diminish their self-esteem or exclude them from their peers.

16. Students have the right not to be searched arbitrarily or to have their lockers, automobiles or personal belongings subjected to arbitrary searches and seizures. No student's name, address or telephone number shall be given without the consent of the student except under Sub-section D, State Education Code 10751 and under State Education Code 12916.

B. RECOURSE

If a student feels his rights as indicated above in Section IA (1-16) have been violated, he may request a hearing before the School Site Student Appeals board. If the student's claim is justified and the board votes that his rights have been violated, the board shall have power to recommend steps necessary to rectify the violation.

New York City School District
Rights and Responsibilities of High School Students

The rights and responsibilities set forth below in no way diminish the legal authority of school officials and the Board of Education to deal with disruptive students. The statement is meant to foster greater understanding so that all concerned can participate more effectively in an active educational partnership.

1. In each high school there should be established an elective and representative student government with offices open to all students. The student government will establish reasonable standards for candidates for office. All students should be allowed to vote in annual elections designed to promote careful consideration of the issues and candidates.

   a. The student government shall have the power to allocate student activity funds, subject to established audit controls and the by-laws of the Board of Education. Extracurricular activities shall be conducted under guidelines established by the student government. The student government shall be involved in the process of developing curriculum and of establishing disciplinary policies.

   b. Representatives selected by the student government shall meet at least monthly with the principal to exchange views, to share in the formulation of school-student policies and to discuss school-student relations and any other matters of student concern.

2. A parent-student-faculty consultative council, as established by previous Board of Education resolutions, shall meet at least monthly to discuss any matter relating to the high school. The consultative council shall or-

ganize a subcommittee to consider matters of schoolwide concern submitted by individual students. The subcommittee shall place such problems on the agenda of the consultative council when appropriate. The consultative council shall establish a continuing relationship with the principal to secure information regarding the administration of the school, to make recommendations for the improvement of all school services and to promote implementation of agreed upon innovations. Its structure and operating procedures shall be placed on file with the Chancellor.

3. Official school publications shall reflect the policy and judgement of the student editors. This entails the obligation to be governed by the standards of responsible journalism, such as avoidance of libel, obscenity and defamation. Student publications shall provide as much opportunity as possible for the sincere expression of all shades of student opinion.

4. Students may exercise their constitutionally protected rights of free speech and assembly so long as they do not interfere with the operations of the regular school program.

a. Students have a right to wear political buttons, arm bands and other badges of symbolic expression, as long as these do not violate the limits set forth in 4c, below.

b. Students may distribute political leaflets, newspapers and other literature at locations adjacent to the school.

c. Students shall be allowed to distribute literature on school property at specified locations and times designated. The principal and the student government shall establish guidelines governing the time and place of distribution at a site that will not interfere with normal school activities. They will also provide for sanctions against those who do not adhere to prescribed procedures. No commercial or obscene material, nothing of libelous nature or involving the defamation of character nor anything advocating racial or religious prejudice will be permitted to be distributed within the school. In noting these exceptions, it is clearly the intention of the Board of Education to promote the dissemination of diverse viewpoints and to foster discussion of all political and social issues.

d. Students may form political and social organizations, including those that champion unpopular causes. These organizations, however, must be open to all students and must abide by Board of Education policies as developed in guidelines established by the student government acting in concert with the principal. These organizations shall have reasonable access to school facilities.

5. Faculty advisors shall be appointed by the principal after consultation with the student group.

6. Students have the right to determine their own dress, except where such dress is clearly dangerous, or is so distractive as to clearly interfere with the learning and teaching process. This right may not be restricted

even by a dress code arrived at by a majority vote of students as Ewald Nyquist, New York State Commissioner of Education, held last year in decisions Nos. 8022 and 8023.

7. Students shall receive annually upon the opening of school a publication setting forth rules and regulations to which students are subject. This publication shall also include a statement of the rights and responsibilities of students. It shall be distributed to parents as well.

8. A hearing must be held within five school days of any suspension as prescribed by law in the circulars of the Chancellor.

9. The extent and definition of student rights and responsibilities are subject to discussion by the consultative council. Appeals from the decisions of the head of the school, relating to rights and responsibilities herein enumerated, must first be lodged with the assistant superintendent in charge of high schools, then the Chancellor, and finally the Board of Education. All such appeals shall be decided as quickly as possible.

10. Rights also entail responsibilities. One of the major goals of this document is to establish a new trust based on the humane values of self-respect and respect for others. No student has the right to interfere with the education of his fellow students. If dialogue is interrupted or destroyed, then the bonds that hold us together are broken. It is thus the responsibility of each student to respect the rights of all who are involved in the educational process.

SAMPLE DRESS CODES

Greendale's Dress Code: A Nonrestrictive Approach

Following is the dress code used by the Greendale (Wis.) Public Schools:

The responsibility for the appearance of the students of Greendale High School rests with the parents and the students themselves.

They have the right to determine such student's dress providing that such attire is not destructive to school property, complies with the health code of the State of Wisconsin and does not interfere with the educational process.

This right may not be restricted, even by a dress code arrived at by a majority vote of students.

A Small High School's Dress Code: A Restrictive Approach

The following dress code was adopted by a small Massachusetts high school in September 1971 (the school wished to remain anonymous):

DRESS CODE FOR BOYS: Modesty and good grooming in dress and personal wear shall be observed at all times.

Shirts:
All shirts shall be worn inside the trousers, unless they are made to be worn outside the trousers.
Turtle neck and crew neck shirts are acceptable.
Tank tops and underwear type T-shirts are not acceptable.

Trousers:
Blue jean-type dungarees are not acceptable.
Any bleached, faded, worn, fringed or torn pants are not acceptable.
Shorts and bermudas are not acceptable.

Belts:
Belts should be worn on trousers designed for belts.

Sweatshirts:
Sweatshirts are not acceptable at any time in the school building proper.

Sweaters:
Shirts must be worn with a "U" or "V" neck sweater.

Footwear:
Any type footwear determined to be destructive to the floor is prohibited.
Sandals are acceptable.
Rubber beach thongs are not acceptable.

Haircuts:
We strongly recommend to parents that they use discretion in determining the style and length of their son's or daughter's hair. Good grooming, cleanliness and safety are considered imperative.
Sideburns must not be grown beyond the outer corner of the eye widthwise and the corner of the mouth lengthwise.
Beards and moustaches are not allowed.

DRESS CODE FOR GIRLS: Modesty and good grooming in dress and personal wear shall be observed at all times.

Skirts:
Length should be in good taste according to the standards of contemporary style.
No blue jean-type dungarees are acceptable. Slacks that are bleached, frayed, fringed or faded are not acceptable.
Culottes and hot pants are acceptable, providing they are covered, skirted, paneled in front and back, and are part of an ensemble.
Shorts of any type are not acceptable.

Blouses:
Only overblouses may be worn outside skirts and slacks, all others may be worn inside.
Appropriate undergarments must be worn.
Styles should be appropriate for school wear, no extremes such as "off the shoulder," low back or front should be worn.
Sweatshirts and underwear-type T-shirts are not acceptable. Tank tops are also not acceptable.

Sweaters:
All sweaters must fit properly.

Footwear:
Beach thongs are not acceptable.
Sandals and clogs are acceptable. Boots are acceptable as long as they are not destructive to the floor.
Students are encouraged not to wear whole or half cleats on the heels or toes of their shoes.

Makeup:
The purpose of makeup is to enhance natural beauty and should be used in good taste.

The combined Dress Code Committee of XXXXX High School strongly recommends that the students be made well aware of the proper dress and of the discipline to be administered to violators.

Also, the combined Dress Code Committee recommends that a copy of this dress code be sent home with every final report card, to aid in purchasing clothes for next fall.

Escondido's Dress Code: A Moderate Approach

Following is the dress code used by the Escondido (Calif.) Union High School District:

All students must wear clothing which is clean and safe. Clothing should promote the health and welfare of the wearer. Student dress, personal appearance and conduct are required to be of such character as not to disrupt nor distract from the instructional procedure of the school nor tend to diminish the disciplinary control of the teacher. Clothing which bears inappropriate words or pictures is prohibited. Footwear must be worn at all times.

Girls are to abide by the following standards:

1. Dresses are not required to be of any specific length but must conform to good taste. Proper undergarments are to be worn at all times and not to be exposed when girls are walking, standing, kneeling or sitting.
2. Transparent or open stitched blouses may be worn with a full slip.
3. Girls' slacks or long pants may be worn. They must be of the type specifically designed for girls (12 inches maximum flare). Jeans, jean fabrics, lounging pants and slinkies are not permitted.
4. The wearing of culottes is permitted. Bermudas may be worn on specific occasions as approved by the school principal.

Boys are to abide by the following standards:

1. Hair must be neat and clean and must be off the collar at all times and combed in such a manner that it will not cause undue attention. No head bands, bobbi pins or other objects to support hair will be allowed.
2. Sideburns may extend to the bottom of the ears.
3. Beards and mustaches are not permitted.
4. Socks shall be worn with all shoes other than sandals.
5. Bermudas may be worn on specific occasions as approved by the school principal.

Other Reports by the Editors of Education U.S.A.

PPBS and the School: New System Promotes Efficiency, Accountability. A concise, understandable report on the Planning, Programming, Budgeting System. Tells how school districts can use PPBS to identify and attain goals and to provide for short and long range planning, evaluation and implementation of alternatives. Gives the system's strengths and weaknesses and a list of schools already using PPBS. #411-12810. 1972. 56 pp. $4.

Paraprofessionals in Schools: How New Careerists Bolster Education. Tells how paraprofessionals are helping to increase student achievement, to free teachers to teach, and to "unfreeze" traditional school organization: what they do on the job: how to recruit, train, and supervise them: how to evaluate their performance. Describes successful aide programs. #411-12804. 1972. 64 pp. $4.

Education of the Gifted and Talented. A report to the Congress by the U.S. Commissioner of Education. This report, the most comprehensive, current study of the gifted, reveals a shocking neglect of 1.5 to 2.5 million gifted and talented youngsters. It relates plans to make their education a major national priority. #411-12806. 1972. 72 pp. $4.

Year-Round School: Districts Develop Successful Programs. Explores the pros and cons of year-round schools. Comprehensive case studies and reviews of seven different types of programs now in operation, including advantages and disadvantages of each and comparative cost figures. Detailed rundown of how state legislatures and local school districts are approaching year-round schools. #411-12802. 1971. 64 pp. $4.

Drug Crisis: Schools Fight Back with Innovative Programs. Reports on drug abuse education programs around the country: facts and figures: what works and what doesn't: involving teachers and parents. Explains new federal drug abuse acts and includes a section on hyperactivity and amphetamines and directories of drugs and drug terms. #411-12796. 1971. 64 pp. $4.

Individualization in Schools: The Challenge and the Options. An examination of individualization programs, including their impact, goals, costs and results: whether students learn more. Detailed descriptions of eight major systems, including IPI, PLAN, IGE, IMS and PLATO. #411-12792. 1971. 64 pp. $4.

Shared Services and Cooperatives: Schools Combine Resources To Improve Education. Tells how shared services can help students, teachers and districts. Gives necessary steps in setting up a cooperative and solutions to the problem of financing shared services. #411-12798. 1971. 60 pp. $4.

Vandalism and Violence: Innovative Strategies Reduce Cost to Schools. What schools are doing to protect students and employes from physical attack and to secure school property from vandalism, theft and arson. Includes information on security devices and personnel: disciplinary measures: how to handle bomb threats. #411-12794. 1971. 56 pp. $4.

Vocational Education: Innovations Revolutionize Career Training. A look at the boldest and most successful career training programs in elementary and secondary schools. Explains the states' approach to Voc Ed, the "cluster approach," innovative vocational guidance programs and new federal legislation. #411-12780. 1971. 64 pp. $4.

Environment and the Schools: Pioneer Programs Set the Pace for States and Districts. What's happening in schools, legislatures, and nationwide programs concerning environmental education. Includes guidelines, sample programs, reading and film lists. #411-12782. 1971. 56 pp. $4.

Preschool Breakthrough: What Works in Early Childhood Education. Comprehensive report on early childhood education, including descriptions of federal programs, working projects, research and trends. Specific how-to advice for those seeking to set up programs for preschoolers. #411-12774. 1970. 48 pp. $4.

Reading Crisis: The Problem and Suggested Solutions. A roundup of the most significant recent discoveries on reading problems. Gives step-by-step suggestions to help teachers diagnose reading difficulties and measure reading levels. #411-12766. 1970. 56 pp. $4.

Differentiated Staffing: A Review of Current Policies and Programs. Tells how some schools are using this new way of deploying teachers and whether it works. #411-12754. 1970. 48 pp. $4.

Address communications and make checks payable to the National School Public Relations Association, 1201 16th Street NW, Washington, D.C. 20036.